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Monday
April 24, 1995

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, and Salt Lake City, UT, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: May 18 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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SALT LAKE CITY, UT

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Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Presidential Documents

Title 3—

The President

Proclamation 6786 of April 20, 1995

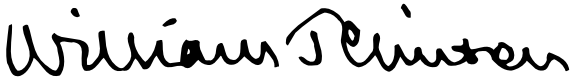
Victims of the Oklahoma City Bombing

By the President of the United States of America

A Proclamation

On April 19, 1995, the Alfred P. Murrah Federal Building in Oklahoma City was brutally bombed in an appalling act of cowardice. As a mark of respect for those killed in the bombing, I hereby order, by the authority vested in me as President of the United States of America by section 175 of title 36 of the United States Code, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions through Monday, April 24, 1995. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.



[FR Doc. 95–10170
Filed 4–20–95; 3:04 pm]
Billing code 3195–01–P

Presidential Documents

Proclamation 6787 of April 20, 1995

National D.A.R.E. Day, 1995

By the President of the United States of America

A Proclamation

Drug Abuse Resistance Education (D.A.R.E.) is America's largest and most effective drug-use prevention program. Reaching 25.5 million young people, from kindergarten through 12th grade, its precepts are taught in more than 250,000 classrooms in all 50 States and many other lands worldwide.

D.A.R.E. was designed to help prevent the substance abuse and violence that plague too many of our Nation's children. Teaching conflict resolution and anger management skills, providing accurate information about alcohol, drugs, and tobacco, and educating students about the consequences of their behavior, D.A.R.E. has served to increase self-esteem among our youth and give them the tools they need to resist destructive peer pressure.

Today, people everywhere recognize that empowering kids and teens with sound advice is important, but it is not enough. Parents and teachers, counselors and concerned citizens all must play a role in encouraging our young people to lead safe, productive, drug-free lives. That is why D.A.R.E. is taught by veteran police officers, whose knowledge and skills have prepared them to understand the reality of the streets and the lives of children in need. D.A.R.E. demonstrates that, working together, communities have the power within themselves to keep the American Dream alive for all of us.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 20, 1995, as ''National D.A.R.E. Day.'' I encourage parents, teachers, and children across the country to join in observing this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

[FR Doc. 95–10171
Filed 4–20–95; 3:05 pm]
Billing code 3195–01–P

Presidential Documents

Proclamation 6788 of April 20, 1995

Jewish Heritage Week, 1995

By the President of the United States of America

A Proclamation

Throughout history and through times of profound adversity, the Jewish people have built their lives on the strength of family and the spirit of community. Millions have made a home in America—a Nation filled with opportunity and blessed with the miracle of freedom. And here, with hard work and dedication, the Jewish-American community has flourished.

Jewish citizens have made vital contributions to every sector of our society. From academia to the arts, from business to government, from the smallest towns to the largest cities, Jewish Americans have infused our Nation with a powerful faith, a commitment to family and community, and a devotion to scholarship and self-improvement.

Judaism is a unique gift to this land that people of myriad faiths and cultures call home. The ancient commandment of *tzedakah*—charity—challenges us to embrace the duty of service to others. The Talmudic teachings of mercy and justice, and those who have sought to uphold these ideals, grace the pages of American history. We can draw strength and inspiration from the enduring lessons of Judaism, and it is entirely fitting that we honor the great traditions of its followers.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 30 through May 7, 1995, as ''Jewish Heritage Week.'' I call upon the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

[FR Doc. 95–6788
Filed 4–20–95; 3:06 pm]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 60, No. 78
Monday, April 24, 1995

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.

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

DEPARTMENT OF AGRICULTURE

Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and Consolidated Farm Service Agency, Department of Agriculture

7 CFR Chapter XVIII

CFR Correction

In title 7 of the Code of Federal Regulations, parts 1940 to 1949, revised as of January 1, 1995, make the following corrections:

1. On pages iii, 1 and 5, the heading for chapter XVIII which currently reads ''Farmers Home Administration, Department of Agriculture'' should read ''Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and Consolidated Farm Service Agency, Department of Agriculture''.

2. Everywhere ''Farmers Home Administration'', ''FHA'', ''FmHA'', ''Rural Development Administration'', or ''RDA'' are mentioned, the phrase ''or its successor agency under Public Law 103–354'' should follow immediately thereafter.

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

Regulations G, T, U and X; Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List and Foreign List.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below are additions to and deletions from the OTC List, which was last published on January 31, 1995 (60 FR 5845), and became effective February 13, 1995. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under a rule approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

Also listed below are additions to and one deletion from the Board's Foreign List, which was last published on January 31, 1995 (60 FR 5845), and which became effective February 13, 1995. The Foreign List includes those foreign securities that meet the criteria in section 220.17 of Regulation T and are eligible for margin treatment at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List is available from the Federal Reserve Banks.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2(u) and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List and the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed for Failing Continued Listing Requirements

Applied Laser Systems
Class A, no par common
California Micro Devices Corp.
No par common
CCAIR, Inc.
$.01 par common
Communications & Entertainment Corporation
$.01 par common
Cooper Development Company
$.10 par common
Crescent Airways Corporation
$.01 par common
Warrants (expire 01–09–98)
Immunix Corporation
Warrants (expire 01–31–95)
Invitro International
No par common
Jasmine Ltd.
$.001 par common
Lone Star Casino Corporation
$.001 par common
Lukens Medical Corporation
$.01 par common
Medical Care America, Inc.
7% convertible debentures, due 2015
Medical Dynamics, Inc.
$.001 par common
Medicis Pharmaceutical Corp.
Class B, warrants (expire 03–28–95)
Ministor Peripherals International Ltd.
$.012454 par common
Redeemable warrants (expire 07–29–99)
Octus, Inc.
No par common
Oesi Power Corporation
$.01 par common
PDK Labs, Inc.
$.01 par common
Pharmhouse Corporation
$.01 par common
Pharmos Corporation
$.03 par common
Phycor, Inc.
6.5% convertible subordinated debentures
Primedex Health Systems, Inc.
$.01 par common
PXRE Corporation
Depositary Shares
Regency Equities Corporation
$.01 par common
RGB Computer & Video, Inc.
No par common
Sayett Group, Inc.
Warrants (expire 02–05–95)
Search Capital Group, Inc.
$.01 par common
Security Environmental Systems, Inc.
$.03 par common
Southern Mineral Corporation
$.01 par common
Sports & Recreation, Inc.
4¼% convertible subordinated notes
Standish Care Company, The
Series A, $.01 par cumulative convertible preferred
Staodyn, Inc.
Warrants (expire 02–28–95)
Synetic, Inc.
7% convertible subordinated debentures
T*HQ, Inc.
$.001 par common
Transamerican Waste Industries, Inc.
$.001 par common
Class A, warrants (expire 11–16–96)
Class B, warrants (expire 11–16–96)
Vaalco Energy, Inc.
$.10 par common
Value-Added Communications, Inc.
$.01 par common
Wellstead Industries, Inc.
$.01 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

A Pea in the Pod, Inc.
$.01 par common
Affymax N.V.
Common stock (NLG .06)
Air-Cure Environmental, Inc.
$.001 par common
AK Steel Holding Corporation
$.01 par common,
7% convertible preferred
Ameribanc Investors Group Inc.
$1.00 par shares of beneficial interest
Arbor National Holdings, Inc.
$.01 par common
Atlanfed Bancorp, Inc. (Maryland)
$1.00 par common
Balchem Corporation
$.06⅔ par common
BB & T Financial Corporation
$2.50 par common
Birtcher Medical Systems, Inc.
No par common
Canstar Sports Inc.
No par common
Cardiovascular Imaging Systems, Inc.
No par common
Club Car, Inc.
$.01 par common
Colonial Bancgroup, Inc., The (Alabama)
Class A, $2.50 par common
Colonial Group, Inc., The Class A, $.10 par common
Commerce Group, Inc., The
$.50 par common
Concord Holding Corporation
$.01 par common
Convertech International, Inc.
$.01 par common
Convergent Solutions, Inc.
$.01 par common
Crop Genetics International Corp.
$.10 par common,
$.95 convertible exchangeable preferred
Cytorad Incorporated
Units (expire 01–31–97)
Dibrell Brothers, Inc.
$1.00 par common
Dollar General Corporation
$.50 par common
Drew Industries Incorporated
$.01 par common
Energynorth, Inc.
$1.00 par common
Equicredit Corporation
$.01 par common
Fidelity New York F.S.B.
$.01 par common
First Colonial Bankshares (Illinois)
Class A, $1.25 par common,
No par Despoitary Shares
First National Bank Corp. (Michigan)
$3.125 par common
Firstock Bancorp, Inc. (Illinois)
$.01 par common
Furon Company
No par common
General Computer Corporation
$.10 par common
Great Bay Bankshares, Inc. (New Hampshire)
$.10 par common
Great Lakes Bancorp, a Federal Savings Bank
$.01 par common
Gwinnett Bancshares, Inc. (Georgia)
$1.00 par common
Hamilton Bancorp, Inc. (New York)
$.01 par common
Healthy Planet Products Inc.
$.01 par common
Huntco Inc.
Class A, $.01 par common
Isomedix Inc.
$.01 par common
Kankakee Bancorp, Inc. (Illinois)
$.01 par common
LF Bancorp, Inc. (Mississippi)
$.01 par common
Magma Power Company
$.10 par common
Mayflower Group, Inc.
No par common
Megahertz Corporation
$.004 par common
Mitek Surgical Products, Inc.

$.01 par common
Morgan Group, Inc., The
Class A, $.015 par common
Namic U.S.A. Corporation
$.01 par common
NBSC Corporation
$2.50 par common
Network Systems Corporation
$.02 par common
New England Business Service, Inc.
$1.00 par common
Plaza Home Mortgage Corporation
$.01 par common
PMC Commercial Trust
Shares of beneficial interest
Polymedica Industries, Inc.
$.01 par common
Powersoft Corporation
$.00167 par common
Public Service Company of North Carolina
$1.00 par common
Pyramid Technology Corporation
$.01 par common
QVC Inc.
$.01 par common
Radiation Care, Inc.
$.01 par common
Scimed Life Systems, Inc.
$.05 par common
Sonoco Products Company
No par common
Series A, cumulative convertible preferred
Southern Starr Broadcasting Group, Inc.
$.01 par common
State Street Boston Corporation
$1.00 par common
Tidemark Bancorp Inc. (Virginia)
$.01 par common
Tomkins PLC
American Depositary Receipts
U.S. Can Corporation
$.01 par common
United States Paging Corporation
$.01 par common
University Bank & Trust Company (California)
$2.50 par common
Vestar, Inc.
$.01 par common
Webco Industries, Inc.
$.01 par common
Welbilt Corporation
$.01 par common
West Coast Bancorp (California)
No par common
Wisconsin Pharmacal Co., Inc.
$.01 par common

Additions to the List of Marginable OTC Stocks

Access Healthnet, Inc.
$.001 par common
Act Manufacturing, Inc.
$.01 par common
ADCO Technologies, Inc.
$.01 par common
Aegis Consumer Funding Group, The
$.01 par common
American Bancorp of Nevada
$.05 par common
Ames Department Stores, Inc.
$.01 par common
Warrants (expire 01–31–99)
Ampace Corporation
$.0001 par common
Analytical Surveys, Inc.
No par common
ASM Lithography Holding N.V.
Ordinary Shares
ATS Medical Inc.
Warrants (expire 03–09–97)
Avondale Financial Corporation
$.01 par common
Bank West Financial Corporation
$.01 par common
BCT International Inc.
$.04 par common
Benihana National Corp.
Class A, $.10 par common
Bio-Reference Laboratories, Inc.
$.001 par common
Bio-Technology General Corporation
Warrants (expire 12–31–98)
Bridgeville Savings Bank, FSB (Pennsylvania)
$.10 par common
Brooks Automation, Inc.
$.01 par common
Burke Mills, Inc.
No par common
C*ATS Software Inc.
$.001 par common
Cameron Financial Corporation
$.01 par common
Cardinal Realty Services, Inc.
No par common
Carrington Laboratories, Inc.
$.01 par common
CBT Group PLC
American Depositary Receipts
Chief Consolidated Mining Company
$.50 par common
Coastwide Energy Services, Inc.
$.01 par common
Coin Bill Validator, Inc.
$.01 par common
Commonwealth Aluminum Corporation
$.01 par common
Concentra Corporation
$.00001 par common
Continental Circuits Corporation
$.01 par common
Corporate Renaissance Group, Inc.
$.01 par common
Creative Computers, Inc.
$.001 par common
Creative Technologies Corporation
$.03 par common
Cytogen Corporation
Rights (expire 01–31–97)
Warrants (expire 01–31–97)
Daisytek International Corporation
$.01 par common
Datastream Systems, Inc.
$.01 par common
Diamond Multimedia Systems, Inc.
No par common
Dualstar Technologies Corporation
$.01 par common
Class A, warrants (expire 02–14–2000)
Easco Inc.
No par common
Equalnet Holding Corporation
$.01 par common
Equus Gaming Company L.P.
Class A, units representing beneficial ownership
Expert Software Inc.
$.01 par common
Finlay Enterprises, Inc.
$.01 par common
First Federal Bancorp, Inc. (Ohio)
No par common
First Keystone Financial Inc.
$.01 par common
First Southern Bancshares Inc.
No par common
First United Bancorporation
$1.67 par common
Firstar Corporation
American Depositary Shares
Firstfederal Financial Services Corp.
Series B, 6½% no par cumulative convertible preferred
Fort Howard Corporation
$.01 par common
Fountain Oil Incorporated
$.10 par common
Garden State Bancshares, Inc. (New Jersey)
No par common
General Acceptance Corporation
No par common
General Magic, Inc.
$.001 par common
Globalstar Telecommunications, Ltd.
$1.00 par common
Guaranty Federal Savings Bank
$1.00 par common
Hain Food Group, Inc., The
$.01 par common
HCIA, Inc.
$.01 par common
Hello Direct, INC.
$.001 par common
Hictory Tech Corporation
No par common
Home Bancorp (Indiana)
No par common
Independence Bancorp, Inc. (New Jersey)
$1.667 par common
Information Storage Devices, Inc.
No par common
Insight Enterprises, Inc.
$.01 par common
Integrated Silicon Solution, Inc.
$.0001 par common
Interface, Inc.
Warrants (expire 06–30–95)
International Nursing Service
12% cumulative convertible preferred
ISB Financial Corporation
$1.00 par common
Kelly Oil & Gas Corporation

$.01 par common
$2.625 convertible exchangeable preferred
Krug International Corp.
Warrants (expire 01–27–98)
LSB Financial Corporation
$.01 par common
Medpartners, Inc.
$.001 par common
Monterey Bay Bancorp, Inc.
$.01 par common
Mountbatten, Inc.
$.001 par common
Mustang Software, Inc.
No par common
Nastech Pharmaceutical Company Inc.
$.006 par common
National Instruments Corporation
$.01 par common
Neopath, Inc.
$.01 par common
NTN Canada, Inc.
$.07 par common
Oak Technology, Inc.
$.001 par common
Open Environment Corporation
No par common
Ostex International Inc.
$.01 par common
P–COM, Inc.
$.0001 par common
Pacific Basin Bulk Shipping Ltd.
$.7327 par common
Warrants (expire 09–30–99)
Palmer Wireless, Inc.
Class A, $.01 par common
Periphonics Corporation
$.01 par common
Premisys Communications, Inc.
$.01 par common
QCF Bancorp, Inc. (Minnesota)
$.01 par common
Remedy Corporation
$.00005 par common
Renaissance Solutions, Inc.
$.001 par common
Renters Choice Inc.
$.01 par common
Riviana Foods Inc.
$1.00 par common
SDL, Inc.
$.001 par common
Select Media Communications, Inc.
$.001 par common
Semitool, Inc.
No par common
Semtech Corporation
$.01 par common
Sirrom Capital Corporation
No par common
Software Artistry, Inc.
No par common
South Carolina Community Bancshares, Inc.
$.01 par common
Springfield Institution for Savings
$1.00 par common
STB Systems, Inc.
$.01 par common
Strattec Security Corporation
$.01 par common
Sure Shot International, Inc.
$.01 par common
TGV Software, Inc.
$.001 par common
Third Financial Corporation
$.01 par common
Thrustmaster, Inc.
No par common
Tivoli Systems Inc.
$.01 par common
Transaction Systems Architects Inc.
Class A, $.005 par common
Tylan General Inc.
$.001 par common
Uniholding Corporation
$.01 par common
Uniroyal Chemical Corporation
$.01 par common
US Office Products Company
$.001 par common
Vari-L Company, Inc.
$.01 par common
Viasoft, Inc.
$.001 par common
Video Sentry Corporation
$.01 par common
Videotron Holdings, PLC
American Depositary Receipts
Webster City Federal Savings Bank (Iowa)
$.10 par common
Wells Financial Corporation
$.10 par common

Deletion From the List of Foreign Margin Stocks

Hitachi Sales Corporation
¥ 50 par common

Additions to the List of Foreign Margin Stocks

Allianz Holdings AG
Registered, par DM 50
Basf AG Holding
Ordinary, par DM 50
Bayer AG
Ordinary, par DM 50
Bayerische Motoren Werke AG
Ordinary, par DM 50
Beiersdorf AG
Ordinary, par DM 50
Commerzbank AG
Bearer, par DM 50
Deutsche Bank AG
Ordinary, par DM 50
Gehe AG
Ordinary, par DM 50
Henkel KGAA-VORZUG
Preference, par DM 50
Hoechst AG
Ordinary, par DM 50
Mannesmann AG
Ordinary, par DM 50
Muenchener Rueckversicherungs
Registered, par DM 100
S.A.P. AG
Preference, par DM 50
Schering AG
Ordinary, par DM 50
Volkswagen AG
Ordinary, par DM 50

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), April 18, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–10018 Filed 4–21–95; 8:45 am]

BILLING CODE 6210–01–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 614, 615, 618

RIN 3052–AB53

Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA), by order of the FCA Board (Board), adopts a final rule that repeals several regulations concerning loan policies and operations, funding, and miscellaneous items as well as two Agency prior-approval requirements. These repeals are part of an ongoing effort by the FCA to reduce unnecessary regulatory burdens on Farm Credit System (FCS or System) institutions.

EFFECTIVE DATE: This rule shall become effective upon the expiration of 30 days after publication in the **Federal Register**, during which either or both Houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:
W. Eric Howard, Policy Analyst, Regulation Development, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444,
or
Richard A. Katz, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION:

I. Background

On June 10, 1993, the FCA Board approved a Statement on Regulatory

Burden seeking public comment on the appropriateness of requirements that the FCA regulations impose on the FCS. More specifically, the FCA asked the public to identify regulations that either duplicate other governmental requirements, are not effective, or impose a burden that is greater than the benefit derived. The notice of intent was published in the **Federal Register** (58 FR 34003) on June 23, 1993. After reviewing all responses to the notice of intent, the FCA proposed on January 10, 1995, to delete the following regulatory provisions: §§ 615.5104; 615.5105(c); 615.5170 (b) through (e); 615.5190; 615.5498; 615.5500; 615.5520; 615.5530; and 618.8220. Additionally, the FCA proposed the repeal of the Agency prior-approval requirements in § 614.4470 (b)(1) and (b)(3). See 60 FR 2552 (January 10, 1995).

The Farm Credit Council (Council), on behalf of its members, and a production credit association (PCA) submitted comments concerning the proposed deletions. The Council strongly supported the repeal of the above-cited regulations and Agency prior-approval requirements, and encouraged the FCA to adopt the entire proposal as a final rule. Although the PCA lauded the FCA's effort to reduce regulatory burdens on System institutions, it offered no comments about the FCA's proposal to repeal the above-cited regulations and prior-approval requirements. Instead, the PCA petitioned the FCA to address three regulatory burden issues that were not included in the proposed rule.

In response, the FCA emphasizes that its proposal of January 10, 1995, represents the first phase in an ongoing process to reduce regulatory burdens on FCS institutions. As the FCA explained in the preamble to the proposed rule, the FCA is in the process of evaluating all recommendations for reducing regulatory burdens that System commenters submitted to the Agency in response to the notice of intent. The FCA will address all remaining regulatory burden issues, including those raised by the PCA, either in (1) Regulatory projects that the FCA Board identifies in the Unified Agenda of Federal Regulations, which is routinely published in the **Federal Register**, or (2) subsequent phases of this project.

The FCA now adopts its January 10, 1995 proposal as a final rule without amendment. The regulations that the FCA now repeals are not necessary to implement or interpret the Farm Credit Act of 1971, as amended (Act), or to promote the safe and sound operations of FCS institutions. For this reason, the repeal of these regulations and Agency prior-approval requirements will relieve unnecessary regulatory burdens on the FCS. The following is a brief explanation of the rationale for repealing each of these regulatory requirements.

II. Analysis of Changes and Comments by Section

A. Loans Subject to Bank Approval

The FCA now eliminates from both §§ 614.4470 (b)(1) and (b)(3) the requirement that the Agency preapprove certain insider loan transactions at System associations. Section 614.4470(a) requires funding banks to preapprove loans that their affiliated associations make to: (1) Their own directors or employees; (2) directors or employees of a jointly managed association; or (3) bank employees. Until now, § 614.4470(b) required FCA approval of loans to any borrower whenever certain institution-affiliated parties: (1) Received proceeds of a loan in excess of an amount established by the funding bank; or (2) endorsed, guaranteed, or co-made a loan in excess of the amount established by the funding bank.

These Agency prior-approval requirements in § 614.4470 (b)(1) and (b)(3) are inconsistent with the FCA's status as an arm's-length regulator. Furthermore, these insider activities can be adequately evaluated and controlled through means other than prior approval by the FCA. Sections 612.2140 and 612.2150 establish adequate safeguards to prevent directors, officers, and employees of System institutions from using their positions for personal gain. In addition, § 620.5 requires System institutions to disclose insider loan transactions in their annual reports to shareholders. The FCA has sufficient examination and enforcement powers to ensure that loans to institution-affiliated parties do not undermine the solvency of any FCS bank or association. Once the repeal of the Agency prior-approval requirements in § 614.4470(b) becomes effective, the FCA shall rely upon its examination authority to determine whether: (1) Bank policy adequately deters insider abuses at System institutions; and (2) associations are complying with bank policy. The FCA is currently reviewing whether other prior-approval requirements that are not mandated by the Act should be retained.

B. Debt Policy and Consolidated Systemwide Notes

The FCA now repeals §§ 615.5104 and 615.5105(c) because they have been superseded by a new regulation, § 615.5135. Section 615.5104 requires each bank to adopt a policy for the management of its debt, while § 615.5105(c) requires the debt management policy of each bank to identify the maximum amount of discount notes that can be outstanding at any one time. Each FCS bank is now required by § 615.5135 to adopt an asset/liability management policy. Furthermore, § 615.5135 requires the policies of System banks to address the management of both assets and liabilities in a more comprehensive manner than §§ 615.5104 and 615.5105(c). Because § 615.5135 has rendered §§ 615.5104 and 615.5105(c) obsolete, the Agency is deleting these two regulations. In the FCA's opinion, the new investment regulations in subpart E of part 615 enhance the ability of Farm Credit banks to control liquidity and solvency risks in their portfolios.

C. Real and Personal Property

The FCA now repeals §§ 615.5170 (b) through (e). These regulations are not needed to: (1) Implement or interpret provisions in the Act that govern the acquisition of real or personal property by FCS banks and associations; or (2) promote safety and soundness. In FCA's opinion, these provisions impose burdens on System institutions that are no longer justified by the benefits derived. These regulatory provisions prescribe detailed operational standards, rather than performance criteria, for ensuring the safe and sound operation of System banks and associations. The FCA also believes that § 615.5170 (d) and (e) are no longer necessary because the safety and soundness concerns posed by information system processing technology are now adequately addressed in FCA Information Systems Bulletins. Additionally, Information Systems Bulletin 92–1 addresses information system risks in mergers and acquisitions. The FCA also observes that paragraphs (b), (c), and (d) of § 615.5170 contain obsolete references to the ''district boards'' that were abolished by section 409(d) of the Agricultural Credit Technical Corrections Act of 1988.[1]

The FCA will, however, retain § 615.5170(a) because this provision implements sections 1.5(5) and 3.1(5) of the Act. These sections authorize each bank, subject to regulation by the FCA, to acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business. Sections 2.2(5) and 2.12(5) of the Act provide associations with similar

[1] Pub. L. 100–399, section 409(d), 102 Stat. 989, 1003, (August 17, 1988).

authorities subject to the supervision by their funding bank and regulation by the FCA. Section 615.5170(a) implements these sections of the Act by specifically stating that the ownership of real estate for office quarters of any bank or association ''shall be limited to facilities reasonable and necessary to meet the foreseeable requirements of the institution.'' Furthermore, § 615.5170(a) expressly prohibits any FCS institution from acquiring real property ''if it involves, or appears to involve, a bank or association in the real estate or other unrelated business.'' This restriction also serves a safety and soundness purpose because such extraneous business activities may increase the exposure of System institutions to loss.

D. Deposits of Funds

The FCA is repealing § 615.5190 because sections 1.5(14), 2.2(10), 2.12(18) and 3.1(12) of the Act provide the requisite authority for FCS institutions to deposit current funds in commercial banks that are either members of the Federal Reserve System or are insured by the Federal Deposit Insurance Corporation (FDIC).

The FCA is also repealing § 615.5190(b) because there is no statutory basis for requiring CoBank to make foreign deposits for the other banks for cooperatives (BCs). The FCA originally adopted this provision in 1981 because, at that time, only the former Central Bank for Cooperatives (CBC) had expertise to reduce the safety and soundness risks that derive from currency exchange transactions. See 46 FR 51881 (October 22, 1981). After the CBC and most district BCs merged to form CoBank, the FCA amended § 615.5190(b) to require CoBank to assume the CBC's function. See 56 FR 2671 (January 24, 1991). The rationale for § 615.5190(b) no longer exists because: (1) Individual BCs have acquired greater international lending experience since 1981; and (2) most BCs have consolidated into CoBank. In this context, § 615.5190(b) unnecessarily restricts BCs, other than CoBank, from becoming active in the international arena. The FCA has determined that the safety and soundness risks inherent in currency exchange transactions should not be controlled by a regulation that unduly restricts the business flexibility of BCs and ACBs to offer a full range of high-quality, low-cost international financial and credit services to their customers independently of CoBank. Rather, the FCA will rely upon its examination and enforcement powers to ensure that all BCs and ACBs conduct their currency exchange transactions in a safe and sound manner. Another FCA regulation, § 614.4900 establishes safety and soundness standards for currency exchange transactions by BCs and ACBs.

Another provision in § 615.5190(b) prohibits FCS banks from holding certificates of deposit that are denominated in foreign currencies as investments under § 615.5140. This provision predates the recent revision of § 615.5140, which now requires System banks to acquire investments that are denominated only in United States dollars. Hence, § 615.5190(b) is unnecessary.

E. Farm Credit Securities as Illustrations

The FCA also repeals § 615.5498, which regulates the illustration of Farm Credit securities that are used for educational or illustrative purposes. The purpose of this regulation is to deter counterfeiting of definitive FCS securities. Since virtually all FCS securities are now issued in book-entry form, § 615.5498 is obsolete. The Federal Farm Credit Banks Funding Corporation and individual System banks can implement adequate safeguards to minimize the risk of counterfeiting of the few securities that are still issued in definitive form.

F. Open Registered Mail and Express Policy

The FCA now repeals subpart P of part 615, which consists of §§ 615.5500, 615.5520, and 615.5530. These three regulations govern the shipment of negotiable securities through the United States Postal Service. The regulations of subpart P of part 615 were designed to eliminate the System's exposure to loss at a time when FCS negotiable securities were routinely shipped by mail between the Bureau of Printing and Engraving and the Federal Reserve Bank of New York. The practice of shipping negotiable securities through the mail was discontinued several years ago. The advent of electronic and computer technology for transferring negotiable securities through the book-entry system has rendered subpart P of part 615 obsolete.

G. Contributions and Membership in Other Organizations

The FCA is repealing § 618.8220, which requires the boards of directors of FCS banks and associations to approve: (1) Charitable contributions; and (2) the payment of membership dues in any voluntary association, club, or society. The regulation further requires boards of directors, during the approval process, to consider the business benefits and tax consequences of such contributions and memberships for the bank or association.

In the FCA's opinion, § 618.8220 unnecessarily interferes in the internal operations of System institutions and imposes a regulatory burden that is not commensurate with the safety and soundness risks posed by System charitable and social activities. The FCA's examination and enforcement powers can adequately deter System institutions from conducting these activities in an unsafe and unsound manner.

List of Subjects

12 CFR Part 614

Agriculture, Banks, banking, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 615

Accounting, Agriculture, Banks, banking, Government securities, Investments, Rural areas.

12 CFR Part 618

Agriculture, Archives and records, Banks, banking, Insurance, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

For the reasons stated in the preamble, parts 614, 615, and 618 of chapter VI, title 12 of the Code of Federal Regulations are hereby amended to read as follows:

PART 614—LOAN POLICIES AND OPERATIONS

1. The authority citation for part 614 continues to read as follows:

Authority: Secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.19, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.7, 7.8, 7.12, 7.13, 8.0, 8.5, of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2096, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2199, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2207, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279b–1, 2279b–2, 2279f, 2279f–1, 2279aa, 2279aa–5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639.

Subpart M—Loan Approval Requirements

§ 614.4470 [Amended]

2. Section 614.4470 is amended by removing the words ''and approved by the Farm Credit Administration'' from paragraphs (b)(1) and (b)(3).

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

3. The authority citation for part 615 continues to read as follows:

Authority: Secs. 1.5, 1.7, 1.10, 1.11, 1.12, 2.2, 2.3, 2.4, 2.5, 2.12, 3.1, 3.7, 3.11, 3.25, 4.3, 4.9, 4.14B, 4.25, 5.9, 5.17, 6.20, 6.26, 8.0, 8.4, 8.6, 8.7, 8.8, 8.10, 8.12 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2018, 2019, 2020, 2073, 2074, 2075, 2076, 2093, 2122, 2128, 2132, 2146, 2154, 2160, 2202b, 2211, 2243, 2252, 2278b, 2278b–6, 2279aa, 2279aa–4, 2279aa–6, 2279aa–7, 2279aa–8, 2279aa–10, 2279aa–12); sec. 301(a) of Pub. L. 100–233, 101 Stat. 1568, 1608.

Subpart C—Issuance of Bonds, Notes, Debentures and Similar Obligations

§ 615.5104 [Removed]

4. Section 615.5104 is removed.

§ 615.5105 [Amended]

5. Section 615.5105 is amended by removing paragraph (c).

Subpart F—Property and Other Investments

§ 615.5170 [Amended]

6. Section 615.5170 is amended by removing paragraphs (b), (c), (d), (e) and the designation for paragraph (a).

Subpart G—[Removed and reserved]

7. Subpart G, consisting of § 615.5190, is removed and reserved.

Subpart O—Issuance of Farm Credit Securities

§ 615.5498 [Removed and reserved]

8. Section 615.5498 is removed and reserved.

Subpart P—[Removed and reserved]

9. Subpart P, consisting of §§ 615.5500, 615.5520, and 615.5530 is removed and reserved.

PART 618—GENERAL PROVISIONS

10. The authority citation for part 618 continues to read as follows:

Authority: Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17 of the Farm Credit Act (12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, 2252).

Subpart F—Miscellaneous Provisions

§ 618.8220 [Removed and reserved]

11. Section 618.8220 is removed and reserved.

Dated: March 13, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–10007 Filed 4–21–95; 8:45 am]

BILLING CODE 6705–01–P

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12 CFR Part 620

RIN 3052–AB37

Disclosure to Shareholders

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA), by the Farm Credit Administration Board, issues a final regulation amending its disclosure requirements for association annual meeting information statements including required disclosures for director candidates nominated from the floor. The amendments provide associations more flexibility in accepting floor nominations for director positions, clarify disclosure requirements when annual meetings are held in more than one session and shareholders vote by mail, and make other technical changes.

EFFECTIVE DATE: The regulations shall become effective upon expiration of 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Laurie A. Rea, Policy Analyst, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, or

James M. Morris, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 1993, the FCA issued a proposed regulation (58 FR 47836) that would amend certain aspects of § 620.21(d) pertaining to required disclosures in the association annual meeting information statement (Statement) concerning the nominating and balloting process for association directors. The FCA proposed changes to § 620.21(d) after learning that the regulation may have inadvertently placed an undue burden on certain members. Section 620.21(d)(3) required the Statement to ''contain a notice that nominations from the floor must be made at the first sectional meeting'' when the association's annual meeting was held in consecutive sectional sessions. Consequently, certain members that would have otherwise attended a different session were required to travel to the first sectional session if they wished to participate in the floor nominating process. Sections 620.21(d)(5) and (d)(6) also required that persons nominated from the floor provide the necessary written disclosures ''in writing at the meeting(s) at which the nomination is considered.''

The FCA proposed regulatory amendments to make it less burdensome for members to participate in the floor nominating process. If the association's members are voting by mail ballot at the conclusion of all sessions of the annual meeting, the proposed rule allowed floor nominations at any sectional session. The proposed rule also relaxed the disclosure requirement for floor nominees by allowing them to provide the mandated disclosures ''within 10 days of nominations'' instead of ''at the meeting(s) at which the nomination is considered.'' The FCA believed that these regulatory changes would afford members more opportunity to nominate candidates from the floor when voting by mail ballot after the annual meeting is concluded and make it easier for floor nominees to provide the required disclosures without any significant inconvenience to management or other nominees.

The FCA received four comment letters on the proposed rule during the comment period that expired on October 13, 1993. One letter was submitted by a Farm Credit bank, two letters by associations, and one by the Farm Credit Council (Council) on behalf of its membership. Commenters were generally supportive of the proposed changes. The Council commented that its membership applauded the FCA's responsiveness to Farm Credit System institutions' concerns.

The final regulation allows persons to be nominated from the floor at any sectional session when the director election is conducted by mail balloting following the final session of the annual meeting. However, in response to a comment from the Council, the FCA has changed the regulation so that associations can specify in their bylaws that nominations from the floor will be accepted only at the first session. The final rule requires persons nominated from the floor to provide associations with the written disclosure information for mailing with the ballot. The final rule also allows associations using mail balloting after the last session the latitude to prescribe in their bylaws the time period for floor nominees to submit the required disclosures.

Response to Comments

The Council asserted that some associations interpreted the proposed regulation to require a change in their current method of nominating and electing directors because their stockholders have the option of voting by mail or in person at each association's annual meeting. Therefore, the Council requested that the proposed regulation be modified to permit associations that hold annual meetings in sectional sessions and conduct elections by mail ballot after the final sectional session to require in their bylaws that all floor nominations be made at the first sectional session. Section 4.15 of the Farm Credit Act of 1971 (Act), concerning the nomination of association directors, states ''Nominations shall also be accepted from the floor.'' To comply with § 4.15 of the Act, associations must continue to afford a full, fair, and meaningful opportunity for members to make viable nominations from the floor. Section 620.21(d)(3) has been revised to emphasize this requirement.

The FCA believes allowing nominations at *any* session of an association annual meeting when mail balloting occurs after those sessions is the best method of ensuring members an opportunity to nominate candidates from the floor. Nevertheless, the FCA is aware that some associations may wish to retain bylaw provisions that provide for the acceptance of floor nominations only at the first session. The FCA is engaged in a continuing effort to reduce regulatory burden by eliminating regulations that prescribe specific operational or managerial practices [1] and amending regulations to provide flexibility, so long as the requirements of the Act are satisfied. Accordingly, the FCA has revised the final § 620.21(d)(3) to allow associations to prescribe that nominations from the floor will be accepted only at the first session. Further, the FCA notes that, if an association uses a combination of voting in person and voting by mail ballot, nominations from the floor can only be made at the first session so that every stockholder has the opportunity to vote on floor nominees.

One commenter suggested that the regulations be modified to expressly accommodate a pre-annual meeting mail balloting process. The commenter argued that it is impossible for associations employing a pre-annual meeting mail balloting process to comply with the floor nomination and disclosure requirements of the proposed regulations because many stockholders have already voted by mail at the time a floor nomination is made. The commenter suggested that the FCA allow associations to accept nominations by mail. The suggestions were not incorporated in the final regulation for several reasons.

The FCA does not believe the use of mail ballots prior to an association's annual meeting is legally permissible. In addition to the slate of eligible candidates presented by the nominating committee, § 4.15 of the Act expressly requires associations to accept nominations ''from the floor.'' A stockholder voting by mail prior to the annual meeting would not be able to vote for floor nominees because their candidacy would not be known until the meeting. In addition, a stockholder who has voted by mail prior to the annual meeting would not be able to revoke his or her mail ballot and vote in person at the meeting. Consequently, stockholders who vote by mail ballot prior to the annual meeting relinquish their rights to vote for candidates nominated from the floor at the meeting.

The FCA believes that accepting nominations solely by mail would discourage the borrowers' active participation in the management and control of System institutions. Mail nominations do not foster borrowers' active involvement in the director nomination and election process but rather may minimize the stockholders' role. Nominations by mail restrict stockholders' opportunity to discuss potential candidates for director positions. If nominations by mail were employed, the absence of consideration and discussion by members at the annual meeting would also inhibit the origination of viable nominations from the floor. Accordingly, the FCA has not modified the regulation to include a procedure to accept floor nominations by mail so that associations may conduct mail balloting prior to the annual meeting. The FCA notes that proxy voting in director elections is a permissible alternative voting method, although it is not specifically mandated by the Act.[2] A secret proxy ballot allows a stockholder who will be absent from the meeting to designate another person to cast his vote. Although proxies must be returned to the association prior to the start of the annual meeting, a stockholder attending the meeting can revoke his or her proxy prior to the balloting at the annual meeting and vote in person for a floor nominee.

Commenters raised concerns about the appropriateness of the 10-day timeframe prescribed in proposed § 620.21(d)(5) for floor nominees to provide written disclosure information. Three commenters suggested that the 10-day period be shortened to 5 business days. Commenters argued that this would give floor nominees sufficient time to prepare and submit the required disclosure information without unduly delaying the mailing of ballots after the last sectional session. The Council stated that its members suggested a time period of 3 days or no more than 5 days, and it recommended that associations be allowed to set an appropriate timeframe in their bylaws. Consistent with its role as an arm's-length regulator, the FCA has revised the regulation to allow associations the latitude to prescribe in their bylaws the time period for floor nominees to submit the required disclosure. Associations should provide a sufficient time for floor nominees to compile the information necessary to comply with the regulatory requirements and ensure that the election process is completed expeditiously. Therefore, the time period for floor nominees to submit the required disclosure information was changed in the final rule from ''within 10 days of nomination'' to ''within the time period prescribed by the association's bylaws.'' If the bylaws do not address this issue, the regulation requires that this information be submitted within 5 business days.

The Council also requested that the regulation, as proposed, be changed by adding the words ''upon conclusion of all sessions'' after ''mail ballot'' in § 620.21(d)(5). The FCA agrees that the suggested change clarifies the meaning of paragraph (d)(5) and modified the regulation accordingly.

The final regulation makes a technical correction to § 620.21(c)(3). (See 51 FR 8644, March 13, 1986). The technical correction deletes the words ''during the last year fiscal year to date'' and inserts the words ''since the last annual meeting'' to clarify that associations are required to disclose in the Statement any resignations by directors that stem from disagreements with the board that occurred during the time period between annual meetings.

List of Subjects in 12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, part 620 of chapter VI, title 12

[1] The FCA Board's Policy Statement on Regulatory Philosophy (59 FR 32189, June 22, 1994).

[2] The rights of stockholders to vote by proxy is mandated by the Act in certain situations. See §§ 4.3A(c)(2), 7.8(a)(3), and 7.13(a)(3) of the Act.

of the Code of Federal Regulations is amended to read as follows:

PART 620—DISCLOSURE TO SHAREHOLDERS

1. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa–11); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart D—Association Annual Meeting Information Statement

2. Section 620.21 is amended by revising the heading and paragraphs (c)(3), (d)(1), (d)(3), (d)(5), and (d)(6) to read as follows:

§ 620.21 Contents of the information statement and other information to be furnished in connection with the annual meeting.

* * * * *

(c) * * *

(3) If any director resigned or declined to stand for reelection since the last annual meeting because of a policy disagreement with the board, and if the director has furnished a letter requesting disclosure of the nature of the disagreement, state the date of the director's resignation and summarize the director's description of the disagreement contained in the letter. If the institution holds a different view of the disagreement, the institution's view may be summarized.

* * * * *

(d) * * *

(1) If directors are nominated by region, describe the regions and state the number of voting shareholders entitled to vote in each region. Any nominee from the floor must be an eligible candidate for the director position for which the person has been nominated.

* * * * *

(3) State that nominations shall be accepted from the floor.

(i) If the annual meeting is to be held in more than one session and mail balloting will be conducted upon the conclusion of all sessions, state that nominations from the floor may be made at any session or, if the association's bylaws so provide, state that nominations from the floor shall be accepted only at the first session.

(ii) If shareholders will not vote solely by mail ballot upon conclusion of all sessions, state that nominations from the floor may be made only at the first session.

* * * * *

(5) For each nominee who is not an incumbent director, except a nominee from the floor, provide the information referred to in § 620.5 (j) and (k) and § 620.21(d)(4). If shareholders will vote by mail ballot upon conclusion of all sessions, each floor nominee must provide the information referred to in § 620.5 (j) and (k) and § 620.21(d)(4) in writing to the association within the time period prescribed by the association's bylaws. If the association's bylaws do not prescribe a time period, state that each floor nominee must provide the written disclosure to the association within 5 business days of the nomination. The association shall ensure that the information is distributed to the voting shareholders with the mailing of the ballots for the election of directors in the same format as the comparable information contained in the association's annual meeting information statement. If shareholders will not vote by mail ballot upon conclusion of all sessions, each floor nominee must provide the information referred to in § 620.5 (j) and (k) and § 620.21(d)(4) in writing at the first session at which voting is held.

(6) No person may be a nominee for director who does not make the disclosures required by this subpart.

* * * * *

Dated: April 13, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–10008 Filed 4–21–95; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–91–AD; Amendment 39–9200; AD 95–08–11]

Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With Off-Wing Escape Slides

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires replacement of the currently installed door opening actuators of the emergency off-wing escape system with new, improved actuators. This amendment is prompted by reports indicating that the requirements of a previously issued AD do not adequately preclude leakage from these actuators. The actions specified by this AD are intended to prevent failure of the escape slide to deploy due to failure of the door opening/snubbing actuator, which could delay and possibly jeopardize successful emergency evacuation of an airplane.

DATES: Effective May 24, 1995.

The incorporation by reference of Boeing Service Bulletin 767–25–0216, dated February 3, 1994, as listed in regulations, is approved by the Director of the Federal Register as of May 24, 1995.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of November 25, 1992 (57 FR 47987, October 21, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from OEA Aerospace, Inc., P.O. Box KK, Highway 12, Explosive Technology Road, Fairfield, California 94533–0659; and Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jayson Claar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2784; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on August 30, 1994 (59 FR 44672). That action proposed to require replacement of the currently installed door opening actuators of the emergency off-wing escape system on Model 767 series airplanes with new, improved actuators.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Response to Comments

One commenter supports the proposed rule.

One commenter requests that the name and address for obtaining service information from OEA Aerospace, Inc., be corrected. The FAA concurs. Since the issuance of the proposal, OEA has changed its name from OEA, Inc., to

OEA Aerospace, Inc., and has relocated from Colorado to California. Therefore, the **ADDRESSES** section and paragraph (g) of the final rule have been revised accordingly.

One commenter requests that all references in the proposal to the escape system for Model 747 series airplanes be revised to ''the door opening thrusters of the two-piece off-wing escape ramp and slide system.'' The commenter notes that this change in nomenclature would clearly differentiate the escape system installed on Model 747 series airplanes from those installed on Model 767 series airplanes. The FAA does not concur. Since this rule is applicable only to Model 767 series airplanes, the FAA finds that the broad, generic references to the escape systems cannot and has not created confusion for the operators. Therefore, no change to the final rule is necessary.

One commenter requests that the description of the unsafe condition be edited to specify that the unsafe condition would exist during certain flight configurations or during certain failure modes. The commenter states that the description should include the fact that only one door opening/snubbing actuator is necessary to open the door when the airplane is at a level altitude, and that two door opening/snubbing actuators are necessary to open the slide compartment door on the upward facing side when the airplane is at an adverse roll. The FAA does not concur that a revision to the description is necessary. According to § 39.1 (''Airworthiness Directives'') of the Federal Aviation Regulations (14 CFR 39.1), the issuance of an AD is based on the finding that an unsafe condition exists or is likely to develop in aircraft of a particular type design. While the FAA's intent is to describe as specifically as possible the addressed unsafe condition that has prompted an AD, the FAA considers that it would be virtually impossible to list every potential flight configuration or failure mode for when the unsafe condition may exist or occur. To do so would add little value, and would make for an especially long, complex, and cumbersome regulation.

Two commenters request that the proposed compliance time of 2 years to accomplish the replacement of door opening actuators with new, improved actuators be extended to 4 years. One of the commenters asserts that safety of the fleet would be ensured in the interim with the repetitive inspections (weighing program) currently required by AD 92–16–17, amendment 39–8327 (57 FR 47987, October 21, 1992), which are restated in proposed paragraph (a). The other commenter notes that the suggested 4-year compliance time would allow operators to amortize these costs over a longer period of time, which would significantly minimize the economic impact of having to purchase and install the new actuators. Two other commenters point to a potential parts availability problem due to the large number of airplanes that will be affected by the proposed rule.

The FAA does not concur with these commenters' request. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's recommendation as to an appropriate compliance time, the availability of required parts, and the practical aspect of replacing the actuators within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. The FAA has been advised that replacement actuators are readily available; therefore, obtaining them within the proposed compliance time should not pose a problem for any affected operator. Further, the FAA took into account the 2-year compliance time recommended by the manufacturer, as well as the number of days required for the rulemaking process; in consideration of these factors, the FAA finds that 2 years after the effective date of this final rule is consistent with the time recommended by the manufacturer. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Two commenters request that the proposed requirement of paragraph (c) to replace the actuators be optional rather than mandatory. These commenters state that safety of the fleet could be ensured in the interim with the repetitive inspections required by paragraph (a) of the proposal. The FAA does not concur. Paragraph (a) merely restates the requirements of AD 92–16–17, which proved to be unreliable in accurately determining the fluid level in the actuators. Therefore, the FAA has determined that these fluid-filled actuators must be replaced with new, improved actuators that are gas-filled.

One commenter requests that proposed paragraph (d) be revised to correct a typographical error in the reference to the Boeing part number. (The OEA part number was correctly referenced in the proposal. The Boeing part number was provided only for purposes of cross-referencing the OEA part number. It is only this cross-referenced Boeing part number that contained a typographical error.) The FAA concurs. Paragraph (d) of the final rule has been revised accordingly to correct this typographical error.

One commenter requests that the reference to airplanes in proposed paragraph (d) be revised to specify that the old oil-filled actuators may not be installed on Model 767 series airplanes equipped with off-wing emergency escape systems. The FAA does not concur. Since the rule is applicable to Boeing Model 767 series airplanes equipped with off-wing escape slides, the reference to airplanes clearly refers to Boeing Model 767 series airplanes equipped with off-wing escape slides. Repeating the applicability statement for this paragraph of the final rule would only be redundant and would not add to the clarity of the rule. Conversely, repeating the applicability for this paragraph may introduce confusion by leading the reader to deduce that the remaining paragraphs are applicable to other models or configurations.

Two commenters request that the cost of the proposed replacement action be partially borne by Boeing and partially by OEA. These commenters point to the faulty design of the OEA actuators that caused the initial problem (oil leakage from the actuators). Therefore, these commenters contend that OEA should assume partial financial responsibility for its faulty design, and that Boeing should assume partial financial responsibility for this problem since it chose to use these actuators on its airplanes.

The FAA cannot concur with this request. According to § 39.1 of the Federal Aviation Regulations (14 CFR 39.1), the issuance of an AD is based on the finding that an unsafe condition exists or is likely to develop in aircraft of a particular type design. The FAA has the authority to issue an AD when it is found that an unsafe condition is likely to exist or develop on other products of the same type design. In accordance with § 39.3 (14 CFR 39.3), operators whose products are subject to an AD must operate those products in accordance with the requirements of that AD. While the subject of this AD relates to a problem with the escape slides, this AD eliminates the unsafe condition by requiring replacement of the door opening actuators with new, improved actuators. The AD is the appropriate vehicle for mandating such actions. The FAA's authority in part 39 does not extend to whether or how those costs are negotiated. However, operators may negotiate the costs

associated with accomplishing those actions with manufacturer.

Other Changes to the Final Rule

The FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this long-standing requirement.

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

Economic Impact

There are approximately 460 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 173 airplanes of U.S. registry will be affected by this AD.

The inspections and modification currently required by AD 92–16–17, and retained in this AD, take approximately 12 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $510 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $212,790, or $1,230 per airplane.

The replacement will take approximately 2 work hours per airplane at an average labor rate of $60 per work hour. Required parts will cost approximately $6,400 per airplane. Based on these figures, the total cost impact of the replacement on U.S. operators is estimated to be $1,127,960, or $6,520 per airplane.

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

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD action, makes a finding of an unsafe condition, this means that this cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD action would be redundant and unnecessary.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

95–08–11 Boeing: Amendment 39–9200. Docket 94–NM–91–AD.

Applicability: Model 767 series airplanes equipped with off-wing escape slides, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) 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 airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the escape slide to deploy, which could delay and possibly jeopardize successful emergency evacuation of an airplane, accomplish the following:

(a) Within 18 months after November 25, 1992 (the effective date of AD 92–16–17, amendment 39–8327), inspect the off-wing escape slide door opening/snubbing actuators in accordance with OEA Service Bulletin 3092100–25–002, dated July 26, 1991. Repeat this inspection thereafter at intervals not to exceed 20 months until the replacement required by paragraph (c) of this AD is accomplished. For operators that have previously accomplished this inspection in accordance with AD 92–16–17: This paragraph requires that the next scheduled inspection be performed within 20 months after the last inspection performed in

accordance with paragraph (b)(1) of AD 92–16–17.

(b) Within 18 months after November 25, 1992 (the effective date of AD 92–16–17, amendment 39–8327), inspect and modify the escape slide compartment door latching mechanism in accordance with Boeing Alert Service Bulletin 767–25A0174, dated August 15, 1991. Accomplishment of the actions required by this paragraph prior to the effective date of this AD terminates the actions required by paragraph (b)(2) of AD 92–16–17.

(c) Within 2 years after the effective date of this AD, replace the currently installed door opening actuator of the emergency off-wing escape system with a new, improved actuator, in accordance with Boeing Service Bulletin 767–25–0216, dated February 3, 1994. Accomplishment of this replacement terminates the repetitive inspection requirements of paragraph (a) of this AD.

(d) As of 2 years after the effective date of this AD, only door opening actuators of the emergency off-wing escape system having OEA part number 5262100 (Boeing part number S416T208–12) shall be installed on any airplane.

(e) 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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

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

(g) The replacement shall be done in accordance with Boeing Service Bulletin 767–25–0216, dated February 3, 1994. This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The inspections and modification shall be done in accordance with OEA Service Bulletin 3092100–25–002, dated July 26, 1991, and Boeing Alert Service Bulletin 767–25A0174, dated August 15, 1991; as applicable. The incorporation by reference of these documents was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of November 25, 1992 (57 FR 47987, October 21, 1992). Copies may be obtained from OEA Aerospace, Inc., P.O. Box KK, Highway 12, Explosive Technology Road, Fairfield, California 94533–0659; and Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 24, 1995.

Issued in Renton, Washington, on April 10, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–9341 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–CE–30–AD; Amendment 39–9202; AD 95–08-13]

Airworthiness Directives; B. Grob Flugzeugbau Model G109B Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to B. Grob Flugzeugbau (Grob) Model G109B gliders. This action requires replacing the elevator inner hinges with hinges of improved design. Two occurrences where the elevator inner hinges separated from the elevator prompted the required action. The actions specified by this AD are intended to prevent failure of these hinges because of delamination or corrosion, which, if not detected and corrected, could lead to loss of control of the glider.

DATES: Effective June 2, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 2, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from B. Grob Flugzeugbau, D–8939 Mattsies, Germany. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Belderok, Project Officer, Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Grob Model G109B gliders was published in the **Federal Register** on January 10, 1995 (59 FR 2555). The action proposed to require replacing the elevator inner hinges with hinges of improved design. Accomplishment of the proposed action would be in accordance with Grob Repair Instructions No. 817–25 for Service Bulletin TM 817–25, dated November 9, 1987.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

The unsafe condition referenced in this AD is caused by both stress loads and corrosion. Stress loads are a direct result of glider usage. Corrosion can then develop regardless of whether the glider is utilized in flight or is on the ground. With this in mind, the FAA has determined that the compliance time of this AD should be in both calendar time and hours time-in-service (TIS).

The FAA estimates that 30 gliders in the U.S. registry will be affected by this proposed AD, that it will take approximately 8 workhours per glider to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $14,400. This figure is based on the assumption that no affected glider owner/operator has accomplished the proposed replacement of the elevator inner hinges.

Grob has informed the FAA that approximately 20 of the affected gliders already have the required replacement incorporated. With this in mind, the cost impact upon the public of the required action would be reduced from $14,400 to $5,280.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new AD to read as follows:

95–08–13 B. Grob Flugzeugbau: Amendment 39–9202; Docket No. 94–CE–30–AD.

Applicability: Model G109B gliders, serial numbers 6200 through 6445, certificated in any category.

Note 1: This AD applies to each glider 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 gliders 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) of this AD 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 glider from the applicability of this AD.

Compliance: Required within the next 25 hours time-in-service after the effective date of this AD or within the next 6 calendar months after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent failure of the elevator inner hinges because of delamination or corrosion, which, if not detected and corrected, could lead to loss of control of the glider, accomplish the following:

(a) Replace the elevator inner hinges (2) with hinges of improved design, part number 109B–3550, in accordance with Grob Repair Instructions No. 817–25 for Service Bulletin TM 817–25, dated November 9, 1987.

Note 2: The service instructions of this AD call for ''the execution of the instructions to be certified in the log-book by an authorized inspector class 3.'' This type of inspector is not applicable in the United States and the person accomplishing the AD is as outlined in part 43 of the Federal Aviation Regulations (14 CFR part 43). This is not a change over normal AD procedures.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) The replacement required by this AD shall be done in accordance with Grob Repair Instructions No. 817–25 for Service Bulletin TM 817–25, dated November 9, 1987. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from B. Grob Flugzeugbau, D–8939 Mattsies, Germany. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–9202) becomes effective on June 2, 1995.

Issued in Kansas City, Missouri, on April 11, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–9342 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–ANE–58; Amendment 39–9203; AD 95–08–14]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to AlliedSignal, Inc. (formerly Textron Lycoming) LTS101 series turboshaft engines. This action requires a one-time replacement of magnetic speed pickups in the engine electronic overspeed protection system, or inspection, and replacement, if necessary, of pickups with incorrect polarity. This amendment is prompted by reports of a manufacturing error that resulted in improper sensor polarity of magnetic speed pickups. The actions specified in this AD are intended to prevent the engine electronic overspeed protection system from failing to function as designed, which can result in the inability to arrest an uncontrolled power turbine (PT) rotor overspeed and damage to the aircraft.

DATES: Effective May 9, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 9, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 23, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–58, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from AlliedSignal Engines, 550 Main Street, Stratford, CT 06497; telephone (203) 385–1470, fax (203) 385–2256. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7148, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received reports of a manufacturing error that resulted in improper sensor polarity of magnetic speed pickups on certain AlliedSignal, Inc. (formerly Textron Lycoming) Models LTS101–650B1, –750B1, –650C3/3A, and –750C1 turboshaft engines. These engines incorporate an engine electronic overspeed protection system installed in production or retrofitted in accordance with Textron Lycoming Service Bulletin (SB) No. LTS101B–73–10–0127, Revision 2, dated August 14, 1992, or previous revisions; or SB No. LTS101C–73–10–0129, Revision 3, dated August 14, 1992, or previous revisions. The engine electronic overspeed protection system utilizes signals from two magnetic pickups to sense and arrest power turbine (PT) rotor overspeed. The improper sensor polarity induced by the manufacturing error can result in a malfunctioning engine electronic overspeed protection system although the system self-test indicates normal operation. This condition, if not corrected, could result in the engine electronic overspeed protection system failing to function as designed, which can result in the inability to arrest an uncontrolled PT rotor overspeed and damage to the aircraft.

The FAA has reviewed and approved the technical contents of AlliedSignal Engines SB No. LTS101–73–10–0169, dated December 12, 1994, that describes procedures for a one-time replacement of magnetic speed pickups in the engine electronic overspeed protection system, or inspection, and replacement, if necessary, of pickups with incorrect polarity.

Since an unsafe condition has been identified that is likely to exist or develop on other AlliedSignal, Inc. LTS101 series engines of the same type design, this airworthiness directive (AD) is being issued to prevent the engine electronic overspeed protection system from failing to function as designed. This AD requires a one-time replacement of magnetic speed pickups in the engine electronic overspeed protection system, or inspection, and replacement, if necessary, of pickups with incorrect polarity. The actions are required to be accomplished in accordance with the service bulletin described previously.

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 less than 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–ANE–58.'' 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 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

95–08–14 AlliedSignal, Inc.: Amendment 39–9203. Docket 94–ANE–58.

Applicability: AlliedSignal, Inc. (formerly Textron Lycoming) Models LTS101–650B1, –750B1, –650C3/3A, and –750C1 turboshaft engines incorporating engine electronic overspeed protection system installed in production prior to the effective date of this airworthiness directive (AD), or retrofitted in accordance with Textron Lycoming Service Bulletin (SB) No. LTS101B–73–10–0127, Revision 2, dated August 14, 1992, or previous revisions; or SB No. LTS101C–73–10–0129, Revision 3, dated August 14, 1992, or previous revisions. These engines are installed on but not limited to Messerschmitt-Bolkow-Blohm BK117 series and Bell Helicopter Textron 222 series helicopters.

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

unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the engine electronic overspeed protection system from failing to function as designed, which can result in the inability to arrest an uncontrolled power turbine (PT) rotor overspeed and damage to the aircraft, accomplish the following:

(a) Within 150 hours time in service after the effective date of this AD, accomplish either paragraph (a)(1) or paragraph (a)(2) of this AD.

(1) Replace magnetic speed pickups, P/N 4–301–356–01, in the engine electronic overspeed protection system, with a serviceable part in accordance with Allied Signal Engines SB No. LTS101–73–10–0169, dated December 12, 1994.

(2) Inspect magnetic speed pickups, P/N 4–301–356–01, in the engine electronic overspeed protection system, for polarity in accordance with AlliedSignal Engines SB No. LTS101–73–10–0169, dated December 12, 1994, and prior to further flight, remove magnetic speed pickups with incorrect polarity, and replace with a serviceable part, in accordance with AlliedSignal Engines SB No. LTS101–73–10–0169, dated December 12, 1994.

(b) Prior to installation, inspect all uninstalled magnetic speed pickups, P/N 4–301–356–01, for polarity, and replace pickups with incorrect polarity with a serviceable part, in accordance with AlliedSignal Engines SB No. LTS101–73–10–0169, dated December 12, 1994.

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

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

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

(e) The inspection, and replacement, of the magnetic speed pickups shall be done in accordance with the following AlliedSignal Engines service document:

Document No.	Pages	Date
SB No. LTS101–73–10–0169. Total pages: 3	1–3	Dec. 12, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AlliedSignal Engines, 550 Main Street, Stratford, CT 06497; telephone (203) 385–1470, fax (203) 385–2256. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 9, 1995.

Issued in Burlington, Massachusetts, on April 11, 1995.

James C. Jones,

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

[FR Doc. 95–9472 Filed 4–19–95; 2:14 pm]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 95–ANE–04; Amendment 39–9204; AD 95–08–15]

Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pratt & Whitney (PW) JT8D series turbofan engines. This action requires a one-time borescope inspection of certain combustion chamber outer cases (CCOC) installed only on McDonnell Douglas DC–9 series and Boeing 737 series aircraft, and an ultrasonic inspection of all affected CCOC's at every accessibility. This amendment is prompted by reports of two CCOC ruptures in service and of two CCOC's discovered during maintenance with intergranular cracks. The actions specified in this AD are intended to prevent CCOC rupture, which can result in an uncontained engine failure and damage to the aircraft.

DATES: Effective May 9, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 9, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 23, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–04, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St, East Hartford, CT 06108. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark A. Rumizen, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7137, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received reports of two uncontained engine failures on Pratt & Whitney (PW) JT8D series turbofan engines. Investigation revealed that the engine failures were due to combustion chamber outer case (CCOC) ruptures that exhibited intergranular cracking. The CCOC ruptures resulted from the low cycle fatigue (LCF) propagation of the intergranular crack. In addition, intergranular cracking on two other CCOC's was discovered during in-shop maintenance. The FAA has determined that intergranular cracks may develop from an initiation site on the case during assembly of the CCOC to the high pressure turbine (HPT) case, or during engine operation in which an impact load is imposed on the CCOC. During subsequent engine operation, the crack can then propagate to failure due to normal LCF loads. Analysis of operating experience relative to CCOC ruptures indicated that only engines installed on McDonnell Douglas DC–9 series and Boeing 737 series aircraft have a significant risk of CCOC rupture, whereas engines installed on other aircraft have been statistically proven to have less risk of CCOC rupture. Therefore, the FAA has determined that a borescope inspection of CCOC's installed only on McDonnell Douglas DC–9 series and Boeing 737 series aircraft is required to meet safety of flight criteria. However, the FAA has determined that an ultrasonic inspection of all affected CCOC's during in-shop maintenance is also required, regardless of intended aircraft installation, to meet safety of flight criteria. This condition, if not corrected, could result in CCOC rupture, which can result in an uncontained engine failure and damage to the aircraft.

The FAA has reviewed and approved the technical contents of PW Alert Service Bulletin (ASB) No. A6202, dated February 20, 1995, that describes procedures for a one-time borescope inspection of certain CCOC's installed

only on McDonnell Douglas DC–9 series and Boeing 737 series aircraft, and an ultrasonic inspection of all affected CCOC's at every accessibility when the ''J'' and ''K'' flanges are separated and the outer split fan ducts are removed.

Since an unsafe condition has been identified that is likely to exist or develop on other PW JT8D series turbofan engines of the same type design, this AD is being issued to prevent CCOC rupture, which can result in an uncontained engine failure and damage to the aircraft. This AD requires a one-time borescope inspection of certain CCOC's installed only on McDonnell Douglas DC–9 series and Boeing 737 series aircraft, and an ultrasonic inspection of all affected CCOC's at every accessibility when the ''J'' and ''K'' flanges are separated and the outer split fan ducts are removed. However, performing the ultrasonic inspection in the shop or on-wing is an acceptable alternative to performing the borescope inspection. The actions are required to be accomplished in accordance with the ASB described previously.

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 less than 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 notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–ANE–04.'' 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 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

95–08–15 Pratt & Whitney: Amendment 39–9204. Docket 95–ANE–04.

Applicability: Pratt & Whitney (PW) Models JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR turbofan engines, with combustion chamber outer cases (CCOC) Part Numbers (P/N) 490547, 542155, 616315, 728829, 728829–001, 730413, 730413–001, 730414, 730414–001, 767197, 767279, and 767279–001. These engines are installed on but not limited to Boeing 737 series and 727 series, and McDonnell Douglas DC–9 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent CCOC rupture, which can result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) For engines installed on McDonnell Douglas DC–9 series aircraft, perform the following:

(1) Perform a borescope inspection of the CCOC for cracking within 1,000 cycles in service (CIS) after the effective date of this airworthiness directive (AD), in accordance with Section 2.A of PW Alert Service Bulletin (ASB) No. A6202, dated February 20, 1995.

(2) Remove from service CCOC's that exhibit cracking in accordance with Section 2.A of PW ASB No. A6202, dated February 20, 1995.

(b) For engines installed on Boeing 737 series aircraft, perform the following:

(1) Perform a borescope inspection of the CCOC for cracking within 1,500 CIS after the effective date of this AD, in accordance with Section 2.A of PW ASB No. A6202, dated February 20, 1995.

(2) Remove from service CCOC's that exhibit cracking in accordance with section 2.A of PW ASB No. A6202, dated February 20, 1995.

(c) At every accessibility of the CCOC after the effective date of this AD, perform the following:

(1) Prior to reassembly of the outer split fan ducts, perform an ultrasonic inspection for cracking in accordance with Section 2.B of

PW ASB No. A6202, dated February 20, 1995.

(2) Remove from service CCOC's that exhibit cracking in accordance with Section 2.B of PW ASB No. A6202, dated February 20, 1995.

(d) Compliance with paragraph (c) of this AD is an acceptable alternative to performing the borescope inspection required by paragraph (a) or (b) of this AD, as applicable.

(e) For the purpose of this AD, accessibility of the CCOC is defined as separation of the ''J'' and ''K'' flanges and removal of the outer split fan ducts.

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

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

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

(h) The inspections of the CCOC shall be done in accordance with the following service document:

Document No.	Pages	Date
PW ASB No. A6202. Total pages: 11.	1–11	Feb. 20, 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St, East Hartford, CT 06108. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on May 9, 1995.

Issued in Burlington, Massachusetts, on April 11, 1995.

James C. Jones,

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

[FR Doc. 95–9471 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 94–AGL–36]

Modification of Class D Airspace Areas; Detroit, MI, and Alton, IL

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D airspace area at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL. The Class D airspace area at Willow Run Airport, Detroit, MI, will be modified by lowering the vertical limit of the Class D airspace area up to but not including the base altitude of the overlying Detroit, MI, Class B airspace area. The Class D airspace area description at St. Louis Regional Airport, Alton, IL, will be modified by excluding that airspace within the Lambert-St. Louis International Airport, MO, Class B airspace area. Airspace reclassification has necessitated new guidelines for depicting and describing Class D airspace area that underlie Class B airspace areas. The intended effect is to eliminate pilot confusion by modifying the controlled airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL.

EFFECTIVE DATE: 0901 UTC, July 20, 1995.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On January 6, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D airspace area at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL (60 FR 2043). No comment objecting to the proposal were received.

The coordinates for this airspace docket as based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies the Class D airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL. The Class D airspace area at Willow Run Airport, Detroit, MI, will be modified by lowering the vertical limited of the Class D airspace area up to not including the base altitude of the overlying Detroit, MI, Class B airspace area. The Class D airspace area description at St. Louis Regional Airport, Alton, IL, will be modified by excluding that airspace within the Lambert-St. Louis International Airport, MO, Class B airspace area. Airspace reclassification, effective September 16, 1993, has necessitated new guidelines for depicting and describing Class D airspace areas that underlie Class B airspace areas. The intended effect is to eliminate pilot confusion by modifying the controlled airspace areas at Willow Run Airport, Detroit, MI, and St. Louis Regional Airport, Alton, IL.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective

September 16, 1994, is amended as follows:

Paragraph 500 General

* * * * *

AGL MI D Detroit, MI [Revised]

Detroit, Willow Run Airport, MI
(Lat. 42°14′16″ N., long. 83°31′50″ W.)

That airspace extending upward from the surface to but not including 3,000 feet MSL within a 4.4-mile radius of Willow Run Airport, excluding that airspace within the Detroit, MI, Class B airspace area.

* * * * *

AGL IL D Alton, IL [Revised]

Alton, St. Louis Regional Airport, IL
(Lat. 38°53′25″ N., long. 90°02′45″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.2-mile radius of the St. Louis Regional Airport, excluding that airspace within the Lambert-St. Louis International Airport, MO, Class B airspace area. The Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on April 11, 1995.

Roger Wall,

Manager, Air Traffic Division.

[FR Doc. 95–10042 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB 94]

Staff Accounting Bulletin No. 94

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: The interpretations in this staff accounting bulletin express the views of the staff regarding the period in which a gain or loss is recognized on the early extinguishment of debt.

EFFECTIVE DATE: April 18, 1995.

FOR FURTHER INFORMATION CONTACT: Tracey Barber, Office of Chief Accountant (202) 942–4400, or Douglas Tanner, Division of Corporation Finance (202) 942–2960, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Margaret H. McFarland,

Deputy Secretary.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 94 to the table found in Subpart B.

Staff Accounting Bulletin No. 94

The staff hereby adds Section AA to Topic 5 of the Staff Accounting Bulletin Series. Topic 5–AA provides guidance regarding the period in which a gain or loss is recognized on the early extinguishment of debt.

Topic 5: Miscellaneous Accounting

* * * * *

AA. Recognition of a Gain or Loss on Early Extinguishment of Debt

Facts: In the fourth quarter of its fiscal year, a registrant announces its intent to call for redemption certain of its outstanding debt obligations. By their terms, the debt obligations are not callable until the third quarter of the subsequent fiscal year. The obligations will be redeemed for an amount that exceeds the net amount at which they are carried on the registrant's balance sheet. The debt extinguishment would not be deemed a troubled debt restructuring addressed by *Statement of Financial Accounting Standards No. 15,* ''Accounting by Debtors and Creditors for Troubled Debt Restructurings.''

Question: Would the staff object if the registrant recorded the loss expected to result from redemption of the debt obligations (the excess of the reacquisition cost over the net carrying amount of the extinguished debt) in the period that it announces its intent to call the debt for redemption?

Interpretive Response: Yes. *Accounting Principles Board Opinion No. 26,* ''Early Extinguishment of Debt,'' (APB 26) and its amendments, including, among others, *Statement of Financial Accounting Standards No. 76,* ''Extinguishment of Debt,'' (SFAS 76) govern the accounting and disclosure for extinguishment of debt. Pursuant to APB 26, the gain or loss from an extinguishment of debt ''should be recognized currently in income of the period of extinguishment.'' Paragraph 3 of SFAS 76 identifies the circumstances under which a debt obligation would be considered extinguished.[1] The staff would object to recognition of a gain or loss from a debt extinguishment in a period other than the period in which the debt is considered extinguished.[2] Disclosure regarding a planned extinguishment and its likely effects would be required in footnotes to the financial statements and in Management's Discussion and Analysis to the extent material. In periods preceding extinguishment, interest expense and other carrying costs of the debt should be recognized in accordance with the terms of the instrument. Deferred debt issue costs and debt discount or premium would continue to be amortized based on the life of the debt that was assumed when the obligation initially was recorded.

Some registrants have suggested that *Statement of Financial Accounting Standards No. 5,* ''Accounting for Contingencies,'' (SFAS 5) requires recognition of an estimated loss on extinguishment when the extinguishment becomes probable, such as upon an issuer's announcement of a plan to call the debt. The staff does not believe that SFAS 5 supersedes or conflicts with other authoritative literature providing specific guidance concerning the accounting for debt extinguishment. A probable and estimable loss is recognized under SFAS 5 if, and only if, an asset has been impaired or a liability had been incurred at the balance sheet date. The staff believes that announcement of an intent to extinguish a liability in the future does not, by itself, result in a requirement to recognize a loss. Further, the staff believes that an issuer's irrevocable offer to repurchase a debt obligation is not sufficient to result in the debt's extinguishment for accounting purposes. A debt holder's acceptance of that offer at or prior to the balance sheet date by means of tendering the security and surrendering all rights under the instrument's terms, however, would be considered an extinguishment of that debt. In the case of an issuer's call of a debt obligation (including an original issue discount obligation), extinguishment is not considered to have occurred before interest ceases to accrue or accrete under the terms of the obligation as a result of the call. In any case, loss recognition is not elective under SFAS 5. The accounting consequence for an issuer that

[1] Paragraph 3 of SFAS 76 states that ''[a] debtor shall consider debt to be extinguished for financial reporting purposes in the following circumstances:

a. The debtor pays for creditor and is relieved of all of its obligations with respect to the debt. This includes the debtor's reacquisition of its outstanding securities in the public securities markets, regardless of whether the securities are cancelled or held as so-called treasury bonds.

b. The debtor is legally released from being the primary obligor under the debt either judicially or by the creditor and its is probable that the debtor will not be required to make future payments with respect to that debt under any guarantees. (footnotes omitted)

c. The debtor irrevocably places cash or other assets in a trust to be used solely for satisfying scheduled payments of both the interest and principal of a specific obligation and the possibility that the debtor will be required to make future payments with respect to the debt is remote. In this circumstance, debt is extinguished even though the debtor is not legally released from being the primary obligor under the debt obligations.''

[2] The extinguishment of a debt obligation subsequent to the balance sheet date but prior to the issuance of financial statements reporting as of and for the period ended on the balance sheet date should not result in adjustment to those financial statements.

enters into a binding contract with a holder of the issuer's debt obligation to exchange that security at a future date for specified amount may be subject to conflicting literature. The staff intends to request that the Emerging Issues Task Force address that issue.

[FR Doc. 95–9981 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960–AD63

Testing Modifications to the Disability Determination Procedures

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: We are adding new rules which provide authority to test procedures that modify the disability determination process we currently follow under titles II and XVI of the Social Security Act (the Act). We intend to test up to four model procedures either singly or in combination. These tests will provide us with information so we can determine the effectiveness of the models in improving the disability process. The intended result is to enable us to make recommendations for national implementation of improvements identified by the tests. These final rules only refer to the changes to the disability procedures we may test. Unless specified, all other regulations related to the disability determination process remain unchanged. Videoconferencing may be used with any of the models.

EFFECTIVE DATE: These rules are effective April 24, 1995.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965–1762.

SUPPLEMENTARY INFORMATION:

Background

We published a notice of proposed rulemaking (NPRM) in the **Federal Register** on October 22, 1993, (58 FR 54532) proposing to establish the authority to test model projects designed to improve the disability determination process. The initial public comment period was 30 days. A 30-day extension of the public comment period was published in the **Federal Register** on December 6, 1993, (58 FR 64207) and the comment period ended on January 5, 1994. The comments we received on the NPRM and the changes we have made in the final rules are discussed below.

On April 15, 1994, the Social Security Administration (SSA) published a notice in the **Federal Register** (59 FR 18188) setting out a proposal to redesign the initial and administrative appeals system for determining an individual's entitlement to Social Security and Supplementary Security Income (SSI) disability payments. Comments on this comprehensive and far reaching proposal developed by SSA's Disability Process Reengineering Team (the Team) were requested, and during the comment period that began on April 1, 1994, and ended on June 14, 1994, SSA received over 6,000 written responses. They came from a broad spectrum of respondents including: Professional associations, claimant representatives, claimant advocacy groups, Federal and State agencies, State governments, employee unions, Federal and State employees, and other members of the public. Comments also were received by members of the Team who conducted briefings and spoke with more than 3,000 individuals about their reaction to the proposal. The commenters expressed their belief that improvements were needed to provide better service and to manage the claims process more effectively. While some concerns were expressed, the commenters praised SSA and the Team for taking on the task of redesigning the disability claim process.

The Team made revisions to the redesign proposal and submitted them to the Commissioner of Social Security on June 30, 1994. The Commissioner accepted the recommendations of the Team on September 7, 1994, with the full understanding that certain aspects of the redesign proposal recommended by the Team would require extensive research and testing to determine whether they can be implemented. The plan approved by the Commissioner was published in the **Federal Register** on September 19, 1994 (59 FR 47887). The proposed changes to the disability determination process contained in the plan approved by the Commissioner that are the same as or similar to changes we proposed to test in the NPRM include:

- Making the process more personalized by assigning a disability claim manager who is knowledgeable about the case to be the claimant's principal contact with SSA;
- Providing the claimant with an opportunity for a predecision interview with the decisionmaker(s) when the decisionmaker finds that the evidence in the claim file is insufficient to make a fully favorable determination or requires an initial determination denying the claim;
- Eliminating the reconsideration step of the administrative review process and providing a claimant who is dissatisfied with his or her initial determination with the opportunity to request a hearing before an administrative law judge (ALJ).

These final rules were developed based on the NPRM, the comments we received on it which are discussed below, and the Commissioner's acceptance on September 7, 1994, of the Team's recommendations to redesign the disability process. Under the final rules we plan to test one or more modifications to the current disability determination process to determine whether the modifications should become permanent. The modifications we plan to test pursuant to these final rules that were not contained in the NPRM, are based on, and are an outgrowth of, the NPRM.

Some modifications of procedures that were in the NPRM, such as having a single decisionmaker in the proposed claims intake and determination model, the face-to-face predenial interview model and the face-to-face Federal reconsideration models, are now found in these final rules in the single decisionmaker model. Also, a modification similar to, though less formal than, the predenial interview concept that was part of the face-to-face predenial interview model is now found in the predecision interview model.

Other modifications contained within the models described in the NPRM and the redesign proposal are now combined in models in these final rules. For example, the NPRM described a disability specialist as a claims representative who would be given special disability program training similar to the training that State agency disability examiners receive. The disability specialist would be able to review the claim before forwarding it to the State agency, request and evaluate existing medical evidence and, if appropriate, arrange for a consultative examination. With respect to applications for SSI payments based on disability, the disability specialist would, where appropriate, make presumptive disability findings. The second model in the NPRM, the claims intake and determination model, described a process whereby the applicant would be interviewed by a decisionmaker when a claim for disability benefits or SSI payments based on disability was filed.

Whereas the NPRM described a disability specialist and a decisionmaker at claims intake who could perform these functions, the final rules now have a disability claim manager model and a single decisionmaker model. The disability claim manager will assume primary responsibility for the processing of any initial disability claim, and he or she will act as the focal point for the claimant's contacts with us throughout the claims intake process and until an initial determination is issued. The disability claim manager will perform many of the functions associated with a disability specialist, but will also perform other functions. A disability claim manager will provide the claimant with an explanation of the disability programs, including the definition of disability and how we determine whether or not the claimant meets the other requirements for entitlement to disability benefits. The disability claim manager will also explain what the claimant will be asked to do throughout the initial claims process and provide information that will assist the claimant in pursuing his or her claim. When tested in combination with the single decisionmaker model, the disability claim manager will also be the decisionmaker, similar to the decisionmaker in the claims intake and determination model described in the NPRM.

The disability claim manager may work in a team environment with medical consultants who provide assistance for case adjudication, as well as with technical and other clerical personnel who may handle other aspects of case development and payment effectuation. Each team member will have a familiarity with all the steps in the process and an understanding of how he or she assists another's efforts. Team members will be able to draw upon each other's expertise on complex issues. We expect that this team environment, combined with the proper training, program tools and technological support, will eventually enable one individual to handle the responsibilities of the disability claim manager. This individual may be either a Federal employee or a State agency employee. An individual employee serving as the disability claim manager is basic to our objective of providing a single point of contact for the claimant during the initial disability process.

In the near term, it may be necessary to have the duties of a disability claim manager carried out by more than one individual and, therefore, to expand the ''disability team'' described above to include additional employees. The final rules will allow us to test the disability claim manager function performed by one individual or a team of individuals. If the disability claim manager model is being tested in combination with the single decisionmaker model (i.e., the disability claim manager would be the single decisionmaker for both the medical and nonmedical aspects of the claim), and a State agency employee is performing the duties of the disability claim manager, the ultimate determination of whether or not the claimant is entitled to benefits will be made by a team that includes a Federal employee. This procedure is in accordance with current provisions of the Act which authorize State agency employees only to make determinations of disability and not determinations of entitlement to benefits based on disability.

The disability models proposed in the NPRM were designed only to modify those aspects of the disability determination process based upon the medical factors of entitlement. That is why, for example, the face-to-face predenial interview model proposed in the NPRM only provided for direct appeal of disability issues to the ALJ. Since then, we have decided to test ways to improve both the disability and nondisability aspects of the disability determination process. The face-to-face predenial interview model with limited direct appeal rights to the ALJ has been changed in the final rules to a less formal predecision interview model. As some commenters suggested, the predecision interview model does not place conditions on a claimant's appeal rights. It still provides, however, the claimant with the opportunity for an interview with the decisionmaker(s) before an initial determination denying the claim is made or when the evidence is insufficient to make a fully favorable determination. The decisionmaker(s) who will conduct the interview has the discretion to determine which method of interview (face-to-face, videoconferencing, or telephone) is most appropriate for each claimant's special needs. The reconsideration elimination model has also been modified to allow appeal to an administrative law judge if the claimant is dissatisfied with the initial determination made in his or her claim, based upon either disability or nondisability factors.

Finally, we decided not to test the face-to-face Federal reconsideration model described in the NPRM because its primary benefit, namely, an earlier opportunity to appear before a Federal decisionmaker is now contained within the single decisionmaker model.

These regulations provide the authority to test major elements of our Disability Redesign Plan. However, there are elements of the Redesign not referenced in these final regulations. There are two principal reasons why elements are omitted. First, we do not need regulatory authority to test or implement many aspects of the Redesign (e.g., improved public information materials or more efficient ways of working with applicants to obtain medical evidence). Second, some elements of the Redesign were not referenced in the NPRM, since the Redesign was developed subsequent to issuance of the NPRM. Therefore, separate regulations will be needed for those elements which are beyond the scope of the original rulemaking.

For example, separate regulations are required to establish the position of an adjudication officer who is authorized to issue some disability decisions. Current implementation planning for the Disability Redesign includes the development of regulations to test the adjudication officer element in the Redesign. We plan to test the adjudication officer in combination with one or more of the models included in these regulations as well as other aspects of the Redesign in some test sites. This will provide us with a body of information about each individual part of the Redesign as well as the combined effect on individuals and on program expenditures of the overall Redesign.

Public Comments

We received comments on the NPRM from twenty-one commenters. The commenters included attorneys, medical professionals, advocates, State agency employees and Federal employees, and representatives of numerous organizations that represent the disabled. We received no comments from persons receiving benefits based on disability. Many commenters supported and applauded us for undertaking tests of models that modify the disability determination process. These commenters included the ARC (formerly known as the Association for Retarded Citizens of the United States); the American Academy of Pediatrics; the American Foundation for the Blind; the United Cerebral Palsy Associations; the Administrative Conference of the United States; the Council for Exceptional Children; and the National Council on Disability. Some of the comments we received were outside the scope of the proposed rules, and therefore, have not been addressed. The substantive comments made by the

commenters and our responses are summarized below.

Comment: Many commenters raised concerns regarding the adequacy of the training that would be provided to interviewers and decisionmakers (particularly single decisionmakers).

Response: We will ensure that the interviewers and decisionmakers who participate in our tests will be highly trained individuals who are well versed in both the disability and nondisability aspects of the disability programs and are individuals who have the necessary knowledge, skills, and abilities to conduct personal interviews, develop evidentiary records, and fully adjudicate disability claims, as appropriate. These individuals will also be able to call on other SSA resources, including medical and technical support personnel, to provide advice and assistance in the claims process.

Comment: Several commenters raised concerns regarding the apparent lack of involvement of the medical consultant in making disability determinations because the medical consultant would not be required to sign the disability determination forms used to certify the determination of disability to us.

Response: The fact that we intend to test a model or combinations of models where the determination of disability is made by a single decisionmaker does not mean that the medical consultant is being removed from the decisionmaking process. The decisionmaker will consult with the medical consultant whenever appropriate. This means that the decisionmaker will make reasonable efforts to ensure that a qualified pediatrician or other appropriate specialist evaluates the claim whenever a determination of disability is required in claims filed on behalf of children under age 18 claiming SSI payments based on disability. Similarly, before making a determination that an individual is not under a disability in any case which indicates the existence of a mental impairment, the decisionmaker will make every reasonable effort to ensure that a qualified psychiatrist or psychologist completes the medical portion of the case review and any applicable residual functional assessment. In addition, the decisionmaker will consult with the medical consultant in all other situations where the decisionmaker finds that a consultation is appropriate. However, the single decisionmaker concept is based on the premise that the decisionmaker is fully competent to make an initial determination when an individual files an application for benefits based on disability. It also gives the decisionmaker flexibility to make such determinations without having to wait for the medical consultant to take part formally in the determination.

Comment: Several commenters wanted us to include quality assessments of accuracy in our evaluation of all possible approaches to improved disability determinations. The commenters' concerns stem partially from the use of a single decisionmaker in some of the proposed models and from the fact that medical consultants will not be required to sign the disability determination forms used to certify the determination of disability to us.

Response: Our evaluation of the models we test will include quality assurance procedures to ensure a thorough assessment of the accuracy of the disability determinations made under the test procedures. As previously noted, decisionmakers will comply with the statutory requirements regarding the use of medical consultants in SSI childhood disability claims, and in all denials of claims based upon mental impairments. In addition, such consultation will take place with respect to any other claim in which the decisionmaker finds it is appropriate to consult with the medical consultant.

Comment: One commenter was concerned with how we would evaluate the success and impact of the model procedures.

Response: We will have a study design and evaluation plan in place to assure a valid and accurate assessment of the degree to which the modifications to the disability determination process we test attain the goals we wish to achieve before any national implementation of the modifications begins.

Comment: Several commenters expressed concerns that the proposed models did not appear to make any provisions for applicants requiring special assistance—e.g., individuals with mental impairments, older persons, the homeless, etc.

Response: The modifications to the disability determination process we test will not compromise any provisions that we currently have to provide accommodations for those individuals who require special assistance. As we stated in the summary sections of the NPRM and final rules, all other regulations related to the disability determination procedures remain unchanged unless specified. This would include provisions for claimants who may require special assistance. In fact, the disability claim manager model we now intend to test provides even more flexibility and opportunity to assist claimants who may require special assistance. The disability claim manager, acting as the focal point for the claimant's contacts with us throughout the initial disability process, will explain the disability programs to the claimant, including the definition of disability and how SSA determines if a claimant meets the disability requirements of the Act. The disability claim manager will also tell the claimant what he or she will be asked to do throughout the process, what the claimant may expect from SSA during the process, and how the claimant can interact with the disability claim manager to obtain more information or assistance. The disability claim manager will also advise the claimant regarding the right to representation and provide the appropriate referral sources for representation.

Comment: Several commenters were concerned regarding the use of videoconferencing as a substitute for personal face-to-face interviews, because videoconferencing may not carry the same weight as a face-to-face interview and the lack of personal contact could make the applicant feel depersonalized. In addition, some commenters expressed concerns that videoconferencing may not be an option for those claimants with special needs such as those with visual or hearing-related disabilities, or for those individuals who could not provide their own videoconferencing equipment.

Response: The testing of videoconferencing as an alternative to a personal face-to-face interview was proposed and is included in these final rules because it has the potential of becoming a viable and more convenient alternative for many claimants who would find it a hardship or impossibility to travel for an interview, but who still wanted to take advantage of the opportunity of an interview with the decisionmaker prior to the determination of disability. An interview conducted via video or via the telephone will carry the same weight as an interview conducted face-to-face. In these final rules the decisionmaker(s) who will conduct the interview has the discretion to determine which method of interview (face-to-face, videoconferencing, or telephone) is most appropriate for each claimant's special needs. If we decide to conduct a claimant's interview via videoconferencing, we will provide the necessary videoconferencing services for the claimant. We are exploring and testing the option of videoconferencing at all levels of the claims process, both within and outside the projects to be done under these regulations.

Regulatory authority to offer it as a service option is not needed.

Comment: We received several comments regarding claimant due process rights and the possibility that they could be compromised by some of the models.

Response: None of the models we intend to test will compromise or diminish the claimant's due process rights. In fact, the disability claim manager model we now intend to test provides a process that is committed to keeping the claimant more informed regarding his or her rights and allows the claimant to obtain information and assistance more easily. Also, in the context of ensuring a fair and correct initial determination of disability, the predecision interview model provides the claimant an opportunity to have an interview with the decisionmaker(s) and to submit additional evidence before an initial determination denying the claim is made or when the evidence in file is insufficient to make a fully favorable determination.

Comment: Several commenters were interested in having us test the models that involved face-to-face contact with the decisionmaker(s) prior to the initial disability determination in combination with the reconsideration elimination model.

Response: These final rules provide us with the flexibility to test models individually or in combination with other models. Therefore, we may test model(s) involving the opportunity for face-to-face contact between the claimant and the decisionmaker(s) with the reconsideration elimination model.

Comment: Several commenters were concerned with the fact that the face-to-face predenial interview model only provided direct appeal of disability issues involved in the initial determination to the ALJ.

Response: These final rules have been revised to allow appeal of both disability and nondisability factors to the ALJ whenever any of the first three models are tested in combination with the reconsideration elimination model. As stated earlier, the face-to-face predenial interview model with limited direct appeal rights to the administrative law judge has been changed in the final rule to a less formal predecision interview model. The predecision interview model does not place conditions on a claimant's appeal rights, but still provides the claimant with the opportunity for a face-to-face interview with the decisionmaker(s) when the decisionmaker finds that the evidence in the file is insufficient to make a fully favorable determination or requires an initial determination denying the claim. The reconsideration elimination model has also been modified to allow appeal to the ALJ if the claimant is dissatisfied with the initial determination made on his or her claim, based upon either medical or nonmedical factors.

Comment: Several commenters were concerned that there was no specific indication as to whether children's claims would be included in the tests.

Response: As stated previously, the summary section of the NPRM and these final rules state that all other regulations related to the disability determination procedures remain unchanged unless specified. That includes the rules for determinations of disability in children. We have no plans to exclude claims filed by or behalf of children from the tests. As stated previously, the decisionmaker will make reasonable efforts to ensure that a qualified pediatrician or other appropriate specialist evaluates the claim whenever a determination of disability is required in claims filed by or on behalf of children under age 18 claiming SSI benefits based on disability. We have no intention of compromising any of the safeguards currently in place to protect the rights of children in the disability determination process.

Comment: Several commenters were concerned that the models would generate increased workload demands (particularly the elimination of the reconsideration model and its predicted effect of increasing ALJ workloads) and some felt that some of the models would be too costly.

Response: These types of concerns are one of the reasons why we proposed testing, rather than implementing changes to our current rules. If the model process or combination of processes we test proves to be prohibitively costly or to create unmanageable workloads or both, we will either drop the model from consideration or revise the model process to address the problem.

Regulatory Procedures

Executive Order 12866

The Office of Management and Budget (OMB) has reviewed these final rules and determined they do not meet the criteria for a significant regulatory action under E.O. 12866.

Paperwork Reduction Act

Data collection involved in the evaluation of any of the models may necessitate new reporting or recordkeeping requirements which may need clearance by OMB. These requirements are still being developed. When specifics have been determined, any necessary request for clearance will be forwarded to OMB as required by the Paperwork Reduction Act.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.807, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Reporting and recordkeeping requirements, Survivors and Disability insurance.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income.

Dated: February 15, 1995.

Shirley Chater,

Commissioner of Social Security.

Approved: March 30, 1995.

Donna E. Shalala,

Secretary of Health and Human Services.

For the reasons set out in the preamble, parts 404 and 416 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart J is amended as follows:

1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 205 (a), (b), (d)–(h), and (j), 221(d), and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 401(j), 405(a), (b), (d)–(h), and (j), 421(d), and 1302, sec. 5 of Pub. L. 97–455, 96 Stat. 2500; sec. 6 of Pub. L. 98–460, 98 Stat. 1802.

2. Section 404.906 is revised to read as follows:

§ 404.906 Testing modifications to the disability determination procedures.

(a) *Applicability and scope.* Notwithstanding any other provision in this part or part 422 of this chapter, we are establishing the procedures set out

in this section to test modifications to our disability determination process. These modifications will enable us to test, either individually or in one or more combinations, the effect of: having disability claim managers assume primary responsibility for processing an application for disability benefits; providing persons who have applied for benefits based on disability with the opportunity for an interview with a decisionmaker when the decisionmaker finds that the evidence in the file is insufficient to make a fully favorable determination or requires an initial determination denying the claim; having a single decisionmaker make the initial determination with assistance from medical consultants, where appropriate; and eliminating the reconsideration step in the administrative review process and having a claimant who is dissatisfied with the initial determination request a hearing before an administrative law judge. The model procedures we test will be designed to provide us with information regarding the effect of these procedural modifications and enable us to decide whether and to what degree the disability determination process would be improved if they were implemented on a national level.

(b) *Procedures for cases included in the tests.* Prior to commencing each test or group of tests in selected site(s), we will publish a notice in the **Federal Register**. The notice will describe which model or combinations of models we intend to test, where the specific test site(s) will be, and the duration of the test(s). The individuals who participate in the test(s) will be randomly assigned to a test group in each site where the tests are conducted. Paragraphs (b) (1) through (4) of this section lists descriptions of each model.

(1) In the disability claim manager model, when you file an application for benefits based on disability, a disability claim manager will assume primary responsibility for the processing of your claim. The disability claim manager will be the focal point for your contacts with us during the claims intake process and until an initial determination on your claim is made. The disability claim manager will explain the disability programs to you, including the definition of disability and how we determine whether you meet all the requirements for benefits based on disability. The disability claim manager will explain what you will be asked to do throughout the claims process and how you can obtain information or assistance through him or her. The disability claim manager will also provide you with information regarding your right to representation, and he or she will provide you with appropriate referral sources for representation. The disability claim manager may be either a State agency employee or a Federal employee. In some instances, the disability claim manager may be assisted by other individuals.

(2) In the single decisionmaker model, the decisionmaker will make the disability determination and may also determine whether the other conditions for entitlement to benefits based on disability are met. The decisionmaker will make the disability determination after any appropriate consultation with a medical or psychological consultant. The medical or psychological consultant will not be required to sign the disability determination forms we use to have the State agency certify the determination of disability to us (see § 404.1615). However, before an initial determination is made that a claimant is not disabled in any case where there is evidence which indicates the existence of a mental impairment, the decisionmaker will make every reasonable effort to ensure that a qualified psychiatrist or psychologist has completed the medical portion of the case review and any applicable residual functional capacity assessment pursuant to our existing procedures (see § 404.1617). In some instances the decisionmaker may be the disability claim manager described in paragraph (b)(1) of this section. When the decisionmaker is a State agency employee, a team of individuals that includes a Federal employee will determine whether the other conditions for entitlement to benefits are met.

(3) In the predecision interview model, if the decisionmaker(s) finds that the evidence in your file is insufficient to make a fully favorable determination or requires an initial determination denying your claim, a predecision notice will be mailed to you. The notice will tell you that, before the decisionmaker(s) makes an initial determination about whether you are disabled, you may request a predecision interview with the decisionmaker(s). The notice will also tell you that you may submit additional evidence. You must request a predecision interview within 10 days after the date you receive the predecision notice. You must also submit any additional evidence within 10 days after you receive the predecision notice. If you request a predecision interview, the decisionmaker(s) will conduct the predecision interview in person, by videoconference, or by telephone as the decisionmaker(s) determines is appropriate under the circumstances. If you make a late request for a predecision interview, or submit additional evidence late, but show in writing that you had good cause under the standards in § 404.911 for missing the deadline, the decisionmaker(s) will extend the deadline. If you do not request the predecision interview, or if you do not appear for a scheduled predecision interview and do not submit additional evidence, or if you do not respond to our attempts to communicate with you, the decisionmaker(s) will make an initial determination based upon the evidence in your file. If you identify additional evidence during the predecision interview, which was previously not available, the decisionmaker(s) will advise you to submit the evidence. If you are unable to do so, the decisionmaker(s) may assist you in obtaining it. The decisionmaker(s) also will advise you of the specific timeframes you have for submitting any additional evidence identified during the predecision interview. If you have no treating source(s) (see § 404.1502), or your treating source(s) is unable or unwilling to provide the necessary evidence, or there is a conflict in the evidence that cannot be resolved through evidence from your treating source(s), the decisionmaker(s) may arrange a consultative examination or resolve conflicts according to existing procedures (see § 404.1519a). If you attend the predecision interview, or do not attend the predecision interview but you submit additional evidence, the decisionmaker(s) will make an initial determination based on the evidence in your file, including the additional evidence you submit or the evidence obtained as a result of the predecision notice or interview, or both.

(4) In the reconsideration elimination model, we will modify the disability determination process by eliminating the reconsideration step of the administrative review process. If you receive an initial determination on your claim for benefits based on disability, and you are dissatisfied with the determination, we will notify you that you may request a hearing before an administrative law judge. If you request a hearing before an administrative law judge, we will apply our usual procedures contained in subpart J of this part.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N is amended as follows:

1. The authority citation for subpart N of part 416 continues to read as follows:

Authority: Secs. 1102, 1631, and 1633 of the Social Security Act; 42 U.S.C. 1302, 1383, and 1383b.

2. Section 416.1406 is revised to read as follows:

§ 416.1406 Testing modifications to the disability determination procedures.

(a) *Applicability and scope.* Notwithstanding any other provision in this part or part 422 of this chapter, we are establishing the procedures set out in this section to test modifications to our disability determination process. These modifications will enable us to test, either individually or in one or more combinations, the effect of: having disability claim managers assume primary responsibility for processing an application for SSI payments based on disability; providing persons who have applied for benefits based on disability with the opportunity for an interview with a decisionmaker when the decisionmaker finds that the evidence in the file is insufficient to make a fully favorable determination or requires an initial determination denying the claim; having a single decisionmaker make the initial determination with assistance from medical consultants, where appropriate; and eliminating the reconsideration step in the administrative review process and having a claimant who is dissatisfied with the initial determination request a hearing before an administrative law judge. The model procedures we test will be designed to provide us with information regarding the effect of these procedural modifications and enable us to decide whether and to what degree the disability determination process would be improved if they were implemented on a national level.

(b) *Procedures for cases included in the tests.* Prior to commencing each test or group of tests in selected site(s), we will publish a notice in the **Federal Register**. The notice will describe which model or combinations of models we intend to test, where the specific test site(s) will be, and the duration of the test(s). The individuals who participate in the test(s) will be randomly assigned to a test group in each site where the tests are conducted. Paragraph (b) (1) through (4) of this section lists descriptions of each model.

(1) In the disability claim manager model, when you file an application for SSI payments based on disability, a disability claim manager will assume primary responsibility for the processing of your claim. The disability claim manager will be the focal point for your contacts with us during the claims intake process and until an initial determination on your claim is made. The disability claim manager will explain the SSI disability program to you, including the definition of disability and how we determine whether you meet all the requirements for SSI payments based on disability. The disability claim manager will explain what you will be asked to do throughout the claims process and how you can obtain information or assistance through him or her. The disability claim manager will also provide you with information regarding your right to representation, and he or she will provide you with appropriate referral sources for representation. The disability claim manager may be either a State agency employee or a Federal employee. In some instances, the disability claim manager may be assisted by other individuals.

(2) In the single decisionmaker model, the decisionmaker will make the disability determination and may also determine whether the other conditions of eligibility for SSI payments based on disability are met. The decisionmaker will make the disability determination after any appropriate consultation with a medical or psychological consultant. The medical or psychological consultant will not be required to sign the disability determination forms we use to have the State agency certify the determination of disability to us (see § 416.1015). However, before an initial determination is made that a claimant is not disabled in any case where there is evidence which indicates the existence of a mental impairment, the decisionmaker will make every reasonable effort to ensure that a qualified psychiatrist or psychologist has completed the medical portion of the case review and any applicable residual functional capacity assessment pursuant to our existing procedures (see § 416.1017). Similarly, in making an initial determination with respect to the disability of a child under age 18 claiming SSI payments based on disability, the decisionmaker will make reasonable efforts to ensure that a qualified pediatrician, or other individual who specializes in a field of medicine appropriate to the child's impairment(s), evaluates the claim of such child (see § 416.903(f)). In some instances the decisionmaker may be the disability claim manager described in paragraph (b)(1) of this section. When the decisionmaker is a State agency employee, a team of individuals that includes a Federal employee will determine whether the other conditions of eligibility for SSI payments are met.

(3) In the predecision interview model, if the decisionmaker(s) finds that the evidence in your file is insufficient to make a fully favorable determination or requires an initial determination denying your claim, a predecision notice will be mailed to you. The notice will tell you that, before the decisionmaker(s) makes an initial determination about whether you are disabled, you may request a predecision interview with the decisionmaker(s). The notice will also tell you that you may also submit additional evidence. You must request a predecision interview within 10 days after the date you receive the predecision notice. You must also submit any additional evidence within 10 days after the date you receive the predecision notice. If you request a predecision interview, the decisionmaker(s) will conduct the predecision interview in person, by videoconference, or by telephone as the decisionmaker(s) determines is appropriate under the circumstances. If you make a late request for a predecision interview, or submit additional evidence late, but show in writing that you had good cause under the standards in § 416.1411 for missing the deadline, the decisionmaker(s) will extend the deadline. If you do not request the predecision interview or if you do not appear for a scheduled predecision interview and do not submit additional evidence, or if you do not respond to our attempts to communicate with you, the decisionmaker(s) will make an initial determination based upon the evidence in your file. If you identify additional evidence during the predecision interview, which was previously not available, the decisionmaker(s) will advise you to submit the evidence. If you are unable to do so, the decisionmaker(s) may assist you in obtaining it. The decisionmaker(s) also will advise you of the specific timeframes you have for submitting any additional evidence identified during the predecision interview. If you have no treating source(s) (see § 416.902), or your treating source(s) is unable or unwilling to provide the necessary evidence, or there is a conflict in the evidence that cannot be resolved through evidence from your treating source(s), the decisionmaker(s) may arrange a consultative examination or resolve conflicts according to existing procedures (see § 416.919a). If you attend the predecision interview, or do not attend the predecision interview but you submit additional evidence, the decisionmaker(s) will make an initial determination based on the evidence in your file, including the additional evidence you submit or the evidence

obtained as a result of the predecision notice or interview, or both.

(4) In the reconsideration elimination model, we will modify the disability determination process by eliminating the reconsideration step of the administrative review process. If you receive an initial determination on your claim for SSI payments based on disability, and you are dissatisfied with the determination, we will notify you that you may request a hearing before an administrative law judge. If you request a hearing before an administrative law judge, we will apply our usual procedures contained in subpart N of this part.

[FR Doc. 95–9897 Filed 4–21–95; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 83 and 84

[DoD Directive 5500.7 and DoD 5500.7–R; 0790–AG12, and 0790–AF83]

Standards of Conduct and Joint Ethics Regulation

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule and request for comments.

SUMMARY: The changes to these parts, concerning standards of conduct and joint ethics, correct typographical errors and update the regulations in accordance with changes to related statutes. The changes are intended to keep these parts current.

DATES: These changes are effective November 2, 1994. Comments must be received no later than June 23, 1995.

ADDRESSES: Forward comments to DoD Standards of Conduct Office, Office of General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600.

FOR FURTHER INFORMATION CONTACT: Randi Elizabeth DuFresne, DoD Standards of Conduct Office, (703) 697–5305, FAX (703) 697–1640.

SUPPLEMENTARY INFORMATION: On March 21, 1994, the Department of Defense published a final rule and request for comments on Standards of Conduct and Joint Ethics Regulation. See 59 FR 13212 and 13213. Two public comments were received. Both expressed appreciation of the regulation and required no further action.

Executive Order 12866

It has been determined that these are not significant changes as defined under section 3(f)(1) through 3(f)(4) of Executive Order 12866.

Regulatory Flexibility Act

It has been certified that these changes are not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6) because they do not have a significant economic impact on a substantial number of small entities. The changes affects only DoD employees and are to update existing regulations in keeping with changes to related statutes.

Paperwork Reduction Act

It has been certified that these changes impose no reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3502).

List of Subjects in 32 CFR Parts 83 and 84

Conflicts of interest, Government procurement.

Accordingly, 32 CFR parts 83 and 84 are amended as follows:

PART 83—[AMENDED]

1. The authority citation for part 83 continues to read as follows:

Authority: 5 U.S.C., 301, 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR part 2635.

§ 83.1 [Amended]

2. Section 83.1(c) is amended by removing ''August 1989.''

PART 84—[AMENDED]

1. The authority citation for part 84 continues to read as follows:

Authority: 5 U.S.C., 301, 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215 as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR part 2635.

§ 84.4 [Amended]

2. Section 84.4 is amended in paragraphs (a)(1) and (a)(4) after the acronyms ''DAEO'' by adding ''or designee''.

3. Section 84.7 is amended in paragraph (c)(1) by removing ''735.208'' and adding in its place ''735.201'', in paragraph (c)(3) by removing ''406'' adding in its place ''40b''; and by revising paragraph (c)(1)(ii), by removing the period at the end of paragraph (c)(1)(iii) and adding '';or'' and by adding paragraph (c)(1)(iv) to read as follows:

§ 84.7 DoD guidance.

* * * * *

(c) * * *

(1) * * *

(ii) Activities by organizations composed primarily of DoD employees or their dependents for the benefit of welfare funds for their own members or for the benefit of other DoD employees or their dependents, subject to the limitations of local law and of § 84.9(k) and (l), when approved by the Head of the DoD Component or designee;

* * * * *

(iv) Purchases of lottery tickets authorized by any State from blind vendors licensed to operate vending facilities in accordance with 20 U.S.C. 107a(5).

* * * * *

4. Section 84.9 is amended in paragraph (b) after the word ''entities'' by removing the word ''where'' and adding in its place ''when appointed by the head of the DoD Component command or organization who determines''; in paragraph (k)(1)(vi) after the word ''composed'' by adding ''primarily''; in paragraph (k)(2) by revising ''paragraph (d)'' to read ''paragraph (f)''; in paragraph (l)(1) introductory text by revising ''DoD equipment'' to read ''DoD facilities and equipment''; in paragraph (l)(1)(ii) after the word ''event'' by adding ''(OPM generally has no objection to support of events that do not specifically target Federal employees for fundraising)''; and by revising paragraphs (l)(1)(vi), (l)(1)(vii) and (m) introductory text to read as follows:

§ 84.9 Official participation in non-Federal entities.

* * * * *

(l) * * *

(1) * * *

(vi) The DoD Component command or organization is able and willing to provide the same support to comparable events that meet the criteria of this subsection and are sponsored by other similar non-Federal entities;

* * * * *

(viii) Except for a charitable fundraising event that meets all other criteria for DoD participation, no admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the event, no admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by the DoD, or DoD support to the event is incidental to the entire event in accordance with public affairs guidance.

* * * * *

(m) *Relationship governed by other authorities.* In addition to the provisions of this section, certain organizations have special relationships with the DoD or its employees specially recognized by law or by other directives. The organizations include:

* * * * *

Footnotes 14 through 26 [Redesignated as 15 through 27].

5. Redesignate footnotes 14 through 26 as footnotes 15 through 27.

6. Section 84.10 is amended in paragraph (a)(2) introductory text by removing ‘‘, in accordance with FPM 252 and 630 [12] and related DoD regulations,’’ and footnote 12; by redesignating paragraph (a)(2)(ii) as paragraph (a)(2)(iii); by revising the first sentence in paragraph (b); by redesignating footnote 13 as footnote 12 in paragraph (g)(5); and by adding a new paragraph (a)(2)(ii) and revising paragraphs (a)(3) and (h)(3) to read as follows:

§ 84.10 Personal participation in non-Federal entities.

* * * * *

(a) * * *

(2) * * *

(ii) The Agency can derive some benefit from the participation or preparation, such as expansion of professional expertise by DoD employees or improved public confidence derived from the professional recognition of the DoD employee’s competence;

* * * * *

(3) *Community support activities.* Agency designees may permit excused absences for reasonable periods of time for their DoD employees to voluntarily participate in community support activities that promote civic awareness and uncompensated public service such as disaster relief events, blood donations, and voting and registering to vote.

* * * * *

(b) * * * Except for such service in the organizations listed in § 84.9(k)(1), a DoD employee may not serve in a personal capacity as an officer, member of the Board of Directors, or in any other similar position in any non-Federal entity offered because of their DoD assignment or position. * * *

* * * * *

(h) * * *

(3) *Honoraria.* Compensation for a lecture, speech or writing may be restricted by the honoraria prohibition of 5 U.S.C. App. (Ethics in Government Act of 1978, sec 501); 5 CFR part 2636, and 5 CFR 2635.807. However, the U.S. Office of Government Ethics, by memorandum dated February 2, 1994,[13] determined in accordance with a Department of Justice letter to the Director, Office of Government Ethics,[14] that the Department of Justice will not seek to impose penalties for violations of 5 U.S.C. App. (Ethics in Government Act of 1978, sec 501); with respect to receipt of honoraria between September 28, 1993 and the date on which the Supreme Court issues its decision on this matter.

§ 84.16 [Amended]

7. Section 84.16 is amended by removing paragraph (j)(1), redesignating paragraphs (j)(2) through (j)(4) as paragraphs (j)(1) through (j)(3).

§ 84.17 [Amended]

8. Section 84.17 is amended by removing ‘‘733’’ and adding in its place ‘‘734’’.

9. Section 84.18 is revised to read as follows:

§ 84.18 Political activities of civilian DoD employees.

(a) *Policy.*

(1) The policy governing the political activities of civilian DoD employees is derived from the Hatch Act Amendments, 5 U.S.C. 7321 through 7325. Guidance on the application of the Hatch Act Amendments is provided by the Hatch Act Hotline at the Office of Special Counsel at 1–(800) 854–2824.

(2) Primary enforcement responsibility under the Hatch Act Amendments lies with the Office of Special Counsel under 5 U.S.C. 1216(c); however, DoD Components have responsibility to investigate allegations of prohibited political activity by excepted service employees of the DoD Component.

(3) It is DoD policy to encourage civilian DoD employees and members of the Armed Forces to carry out the obligations of citizenship to the maximum extent possible consistent with the restrictions imposed by law and by this part.

(b) *Permissible activities.* Subject to paragraphs (b) and (c) of this section, civilian DoD employees may, in their personal capacities:

(1) Be candidates for public office in nonpartisan elections;

(2) Register and vote as they choose;

(3) Assist in voter registration drives;

(4) Express opinions about candidates and issues;

(5) Contribute money to political organizations;

(6) Attend political fundraising functions;

(7) Attend and be active at political rallies and meetings;

(8) Join and be an active member of a political party or club;

(9) Sign nominating petitions;

(10) Campaign for or against referendum questions, constitutional amendments, or municipal ordinances;

(11) Campaign for or against candidates in partisan elections (see paragraph (b)(3) of this section);

(12) Make campaign speeches for candidates in partisan elections (see paragraph (b)(3) of this section);

(13) Distribute campaign literature in partisan elections (see paragraph (b)(3) of this section);

(14) Hold office in political clubs or parties (see paragraph (b)(3) of this section).

(c) *Limitations.*

(1) Military members are not covered by the Hatch Act Amendments, 5 U.S.C. 7321 through 7327. Political activities of Military members are covered in § 84.19.

(2) Notwithstanding paragraph (a) of this section, as a matter of longstanding DoD policy, DoD employees who are appointed by the President, by and with the advice and consent of the Senate (e.g. the Secretary of Defense, the Secretaries of the Military Departments, etc.), and DoD employees who are appointed by the Secretary of Defense to non-career Senior Executive Service positions may not engage in activities that could be interpreted as associating the DoD with any partisan political cause or issue.

(3) The following DoD employees (except for Presidential appointees who are confirmed by and with the consent of the Senate) are prohibited from engaging in the activities described in paragraphs (a)(11) through (a)(14) of this section:

(i) Employees of the National Security Agency;

(ii) Employees of the Defense Intelligence Agency;

(iii) Career members of the senior executive service;

(iv) Administrative Law Judges; and

(v) Contract appeals board members.

(d) *Prohibited activities.* Civilian DoD employees may not:

(1) Use official authority or influence for the purpose of interfering with or affecting the result of an election;

(2) Collect political contributions unless both the collector and the donor are members of the same Federal labor organization or employee organization and the donor is not a subordinate;

(3) Knowingly solicit or discourage the political activity of any person who has business with DoD;

[13] See footnote 2 to § 84.4(d)(7).

[14] See footnote 2 to § 84.4(d)(7).

(4) Engage in political activity while on duty;

(5) Engage in political activity while in any Federal workplace;

(6) Engage in political activity while wearing an official uniform or displaying official insignia identifying the office or position of the DoD employee;

(7) Engage in political activity while using a Government owned or leased vehicle;

(8) Solicit political contributions from the general public;

(9) Be a candidate for public office in partisan elections;

(10) Wear political buttons on duty;

(11) Contribute to the political campaign of another Federal Government employee who is in the DoD employee's chain of command or supervision or who is the employing authority, including the political campaign to re-elect the President or Vice President.

(e) *DoD employees residing in designated localities.* Notwithstanding the prohibitions of paragraph (c) of this section, a DoD employee (except those DoD employees listed in paragraph (b)(3) of this section) who resides in a municipality or political subdivision, either in the immediate vicinity of the District of Columbia or in which the majority of voters are employed by the Federal Government, as designated by OPM under 5 CFR 733.102(d) may:

(1) Run as an independent candidate for election to a partisan political office in an election for local office of the municipality or political subdivision provided the candidacy for, and service in, the partisan political office shall not result in neglect of, or interference with, the performance of the duties of the DoD employee or create an actual or apparent conflict of interest; and

(2) Accept or receive political contributions in connection with a local election of the municipality or political subdivision provided the DoD employee does not solicit political contributions from the general public.

(f) *Political recommendations.*

(1) The restrictions of 5 U.S.C. 3303 apply to all personnel actions described in 5 U.S.C. 2302(a)(2)(A) (i) through (x) for individuals in or applicants to the following DoD positions:

(i) Competitive service employees;

(ii) Career appointees in the Senior Executive Service; and

(iii) Excepted service employees other than one who is appointed by the President or whose position has been determined to be of confidential, policy-determining, policy-making, or policy-advocating character.

(2) Each personnel action with respect to a DoD employee or applicant, as described in paragraph (c)(1) of this section, shall be taken without regard to any recommendation or statement, oral or written, made by the following types of individuals:

(i) Members of Congress or Congressional employees;

(ii) Elected officials of any State (including the District of Columbia and the Commonwealth of Puerto Rico), county, city, or other subdivision thereof;

(iii) Officials of political parties; or

(iv) Other individuals or organizations making such recommendations or statements on the basis of the party affiliations of the DoD employee or applicant recommended.

(3) DoD employees may solicit, accept, and consider any statement with respect to a DoD employee or applicant described in paragraph (c)(1) of this section if the statement meets one of the following conditions:

(i) It is pursuant to a request or requirement of the DoD Component and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of the DoD employee or applicant;

(ii) It relates solely to the character and residence of the DoD employee or applicant;

(iii) It is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether the DoD employee or applicant meets suitability or security standards;

(iv) It is furnished by a former employer of the DoD employee or applicant pursuant to a request of an agency, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such DoD employee or applicant during employment with such former employer; or

(v) It is furnished pursuant to a provision of law or regulation authorizing consideration of such statement with respect to a specific position or category of positions.

(4) DoD Component Heads are required by 5 CFR 300.801 to ensure that DoD employees and applicants described in paragraph (c)(1) of this section are notified of the provisions of 5 U.S.C. 3303.

10. Section 84.21 is amended in paragraph (a)(1)(iv) after the first time the word ''or'' appears by adding ''civilian DoD employees under other pay systems'' and by revising the heading and paragraph (g)(2)(iv) to read as follows:

§ 84.21 Public financial disclosure report (SF 278).

* * * * *

(g) * * *

(2) * * *

(iv) If the Ethics Counselor agrees with the supervisor's evaluation that no item violates, or appears to violate, applicable laws or regulations, then:

(A) The Ethics Counselor shall annotate the report or attach an endorsement stating that no conflicts of interest under applicable laws or regulations exist, and forward it to the appropriate DoD Component DAEO or designee; and

(B) If there are no financial interests in non-Federal entities doing or seeking business with DoD reported on the SF 278, the Ethics Counselor may issue a memorandum with the SF 278 to the appropriate DoD Component DAEO or designee.

* * * * *

11. In § 84.22, paragraph (a)(2) introductory text is redesignated as paragraph (a)(2)(i) and paragraph (a)(2)(ii) is added to read as follows:

§ 84.22 Confidential financial disclosure report (SF 450).

* * * * *

(a) * * *

(2) * * *

(ii) DoD employees who are not employed in contracting or procurement and who have decision making responsibilities regarding expenditures of less than $2,500 per purchase and less than $25,000 cumulatively per year are excluded from the requirement to file the SF 450. However, Agency Designees may require such DoD employees, in individual cases, to file the SF 450. Such DoD employees remain subject to conflict of interest statutes and regulations.

* * * * *

12. Section 84.23 is amended in paragraph (a) introductory text by removing ''August 1989'' and paragraphs (d)(1) and (d)(2) are revised to read as follows:

§ 84.23 Report on DoD and defense related employment (DD form 1787).

* * * * *

(d) * * *

(1) After the Ethics Counselor signs and dates the report, the Ethics Counselor shall send the original to the entire DoD Component DAEO or designee, who shall forward it, together with all other such reports that were received during the previous calendar year, to SOCO not later than March 15.

(2) The DoD Component DAEO or designee shall ensure that appropriate data from each DD Form 1787 is

extracted and sent, together with all other such data from other such reports that were received during the previous calendar year for the entire DoD Component, by March 15, to the Defense Manpower Data Center (DMDC) where a consolidated report to Congress is compiled. DMDC will accept data only on computer disk using any common word processing software or ASCII.

* * * *

13. Section 84.33 is amended by removing paragraphs (a)(1)(ii) and (a)(3) and removing the paragraph designation ''(i)'' in paragraph (a)(1); by redesignating paragraphs (a)(1)(A) through (a)(1)(C) as paragraphs (a)(1)(i) through (a)(1)(iii); in paragraph (a)(2) by revising ''these two statutes'' to read ''this statute''; in newly designated paragraph (a)(1)(ii) remove ''DoD'' and add in its place ''DoJ''; and by revising paragraph (a) introductory text to read as follows:

§ 84.33 Restrictions on retired military members.

* * * * *

(a) *18 U.S.C. 281(a).* This statute restricts the selling activities of retired military officers. The provisions of this statute were suspended by the Federal Acquisition Streamlining Act of 1994 through December 31, 1996.

* * * * *

14. Section 84.36 (d)(1) through (d)(3) are revised to read as follows:

§ 84.36 Reports of DoD and defense related employment (DD Form 1787).

* * * * *

(d) * * *

(1) After the Ethics Counselor signs and dates the report, the Ethics Counselor shall send the original to the DoD Component DAEO or designee, who shall forward it, together with all other such reports that were received during the previous calendar year, to SOCO not later than March 15.

(2) The DoD Component DAEO or designee shall ensure that appropriate data from each DD Form 1787 is extracted and sent, together with all other such data from other such reports that were received during the previous calendar year for the entire DoD Component, by March 15 to the Defense Manpower Data Center (DMDC) where a consolidated report to Congress is compiled. DMDC will accept data only on computer disk using any common word processing software or ASCII.

(3) If steps ensuring compliance with applicable law and regulations are not taken by the date established, the Ethics Counselor shall report the matter to the DoD Component DAEO and take whatever other action might be required in accordance with subchapter J of this part.

* * * * *

§ 84.38 [Amended]

15. Section 84.38 is amended in paragraph (c)(2) by revising ''shall'' to read ''may''.

Appendix A to Part 84 [Amended]

16. Appendix A to Part 84 is amended by removing paragraph (f) of section 1.

Dated: April 18, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9967 Filed 4–21–95; 8:45 am]

BILLING CODE 5000–04–M

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32 CFR Part 298

[DIS Regulation 01–12]

Defense Investigative Service Freedom of Information Act Program

AGENCY: Defense Investigative Service (DIS), DOD.

ACTION: Final rule.

SUMMARY: This revision regarding implementation of the DIS Freedom of Information Act program makes organizational and administrative changes and conforms these regulations to the DOD Freedom of Information Act program.

EFFECTIVE DATE: April 24, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Dale L. Hartig, Chief, Office of Information and Public Affairs, (703) 325–5324.

SUPPLEMENTARY INFORMATION: It has been certified that this final rule does not exert a significant economic impact on a substantial number of small entities. This determination is based upon the fact that the rule merely recodifies the procedural aspects of the Defense Investigative Service Freedom of Information Act Program, which includes guidance on how and from whom to request information pertaining to the agency; imposes no new requirements, rights, or benefits on small entities; and will have neither a beneficial nor adverse affect on small entities. This rule conforms to 32 CFR part 286. A notice of proposed rulemaking was published in the **Federal Register** on May 6, 1994 (59 FR 23649).

Interested parties were given until July 5, 1994 to respond. No comments were received.

List of Subjects in 32 CFR Part 298

Freedom of information.

Accordingly, 32 CFR Part 298 is revised to read as follows:

PART 298—DEFENSE INVESTIGATIVE SERVICE (DIS) FREEDOM OF INFORMATION ACT PROGRAM

Sec.
298.1 Purpose.
298.2 Organization.
298.3 Records maintained by DIS.
298.4 Procedure for release of DIS records.
298.5 Information requirements.

Authority: 5 U.S.C. 552.

§ 298.1 Purpose.

This part states the intent of the agency regarding policy and procedures for the public to obtain information from the Defense Investigative Service (DIS) under the Freedom of Information Act (FOIA).

§ 298.2 Organization.

(a) The DIS organization includes a Headquarters located in Alexandria, Virginia; four Regions and one operational area with subordinate operating locations throughout the Continental United States (CONUS), Alaska, Hawaii, and Puerto Rico; the Defense Industrial Security Clearance Office (DISCO), Columbus, Ohio; the Personnel Investigations Center (PIC) and National Computer Center (NCC) in Baltimore, Maryland; Office of Industrial Security International Europe (OISI–E), located in Brussels, Belgium with a subordinate office in Mannheim, Germany; Office of Industrial Security International Far East (OISI–FE) located at Camp Zama, Japan; and the Department of Defense Security Institute, located in Richmond, Virginia.

(b) A copy of the DIS Directory showing the addresses of all offices, is available to the public upon request and may be obtained by following the procedures outlined in § 298.4. The names and duty addresses of DIS personnel serving overseas are not released.

§ 298.3 Records maintained by DIS.

It is the policy of DIS to make publicly available all information which may be released under the Freedom of information Act (FOIA), consistent with its other responsibilities. In implementing this policy, DIS follows the procedures set forth in 32 CFR part 286. DIS maintains the following records which may be of interest to the public:

(a) The Defense Clearance and Investigations Index (DCII), which contains references to investigative records created and held by DoD Components. The records indexed are primarily those prepared by the

investigative agencies of the DoD, covering criminal, fraud, counterintelligence, and personnel security information. This index also includes security clearance determinations made by the various components of the Department of Defense. Information in the DCII is not usually available to the general public, since general release would violate the privacy of individuals whose names are indexed therein.

(b) Records created as required by DoD Directive 5105.42, ''Defense Investigative Service (DA&M),'' (32 CFR part 361) including investigative and industrial security records.

(c) Publications referenced in ''DIS Directives Listing'' (DIS 00–1–L). A copy of DIS 00–1–L may be obtained upon request from the DIS Office of Information and Public Affairs (V0020), 1340 Braddock Place, Alexandria, VA 22314–1651. While this document will be provided for the convenience of possible users of the materials, such release does not constitute a determination that all or any of the publications listed affect the public or have been cleared for public release.

§ 298.4 Procedures for release of DIS records.

(a)(1) All requests will be submitted in writing to: Defense Investigative Service, Office of Information and Public Affairs (V0020), 1340 Braddock Place, Alexandria, Virginia 22314–1651.

(2) Requests directed to any agency activity (headquarters or field elements) will be forwarded to the Office of Information and Public Affairs.

(b) All requests shall contain the following information:

(1) As complete an identification as possible of the desired material including to the extent known, the title description, and date. 32 CFR part 286 does not authorize ''fishing expeditions.'' In the event a request is not reasonably described as defined in 32 CFR part 286, the requester will be notified by DIS of the defect.

(2) The request must contain the first name, middle name or initial, surname, date and place of birth, social security number, and, if applicable, military service number of the individual concerned, with respect to material concerning investigations of an individual.

(3) A statement as to whether the requester wishes to inspect the record or obtain a copy of it.

(4) A statement that all costs for search (in the case of ''other'' and ''commercial'' requesters), duplication (in case of all categories of requesters), and review (in the case of ''commercial requesters'') will be borne by the requester even if no records, or no releasable records, are found, if appropriate. See 32 CFR part 286 for information on fees and fee waivers.

(5) The full address (including ZIP code) of the requester.

(c) A notarized request by an individual requesting investigative or other personnel records may be required to avoid the risk of invasion of privacy. Requesters will be notified and furnished appropriate forms if this requirement is deemed necessary. In lieu of a notarized statement, an unsworn declaration in accordance with 28 U.S.C. 1746 may be required.

(d) When a request is incomplete or fails to include all of the information required, the requester will be contacted for additional information prior to beginning release procedures.

(e) DIS shall normally respond to request within 10 working days after receipt by the Office of Information and Public Affairs, unless an extension is required and the requester is notified in writing. If a significant number of requests prevents responding in 10 working days, requests, will be processed on a first-come, first-served basis to ensure equitable treatment to all requesters.

(f) When the release of information has been approved, a statement of costs computed in accordance with the DoD Fee Schedule (32 CFR part 286), or a statement waiving the fee, will be included in the notification of approval. Records approved for release will generally be mailed immediately following the receipt of fees. Fees may be waived or reduced in accordance with 32 CFR part 286. Remittances must be in the form of a personal check, bank draft, or postal money order. Remittances are to be made payable to the Treasurer of the United States. Certified documents may be requested for an official government or legal function, and will be provided at a rate established by 32 CFR part 286 for each authentication.

(g) When requests are denied in whole or in part in accordance with 32 CFR part 286, the requester will be advised of the identity of the official making the denial, the reason for the denial, the right of appeal of the decision, and the identity of the person to whom an appeal may be addressed.

(h) Facilities for the review or reproduction of records following approval of the request or appeal are available at the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Place, Alexandria, Virginia 22314–1651. All other transactions will be conducted by mail.

(i) *Appeal of denial of DIS records and information.* (1) All appeals will be submitted in writing and reach the following appellate authority no later than 60 days after the date of the initial denial letter: Director, Defense Investigative Service (V0000), 1340 Braddock Place, Alexandria, Virginia 22314–1651.

(2) All appeals will contain at least the same identification of the records requested as the original request, and a copy of the letter denying the request, if available. Requesters will be given appeal rights when a search has been conducted and no records are located.

(3) All appeals will be reviewed by the Director, DIS, or the Special Assistant to the Director, DIS. Responses to appeals normally shall be made within 20 working days after receipt, unless an extension is required and the appellant is notified. When a request is approved on appeal, the procedures set forth in paragraph (f) of this section will be followed.

§ 298.5 Information requirements.

The DIS Office of Information and Public Affairs is responsible for preparation of the annual ''Freedom of Information Act Report.'' This report has been assigned control symbol PA (TRA&AN) 1365. No forms or publications are required by this part.

Dated: April 11, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9301 Filed 4–21–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–95–037]

RIN 2115–AA97

Safety Zone: Greenwood Lake Powerboat Race, Greenwood Lake, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a powerboat race located on Greenwood Lake, New Jersey. This safety zone is in effect from 10 a.m. until 7 p.m. on Saturday, May 20, and Sunday, May 21, 1995. The safety zone temporarily closes a southern portion of Greenwood Lake to protect the racing participants and

spectator craft from the hazards associated with high speed powerboat racing.

EFFECTIVE DATE: This rule is effective from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York, (212) 668–7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and this regulation is being made effective in less than 30 days as good cause exists for not publishing an NPRM and making this regulation effective in less than 30 days. Due to the date this application was received, there was insufficient time to draft and publish a notice of proposed rulemaking that allows for a reasonable comment period prior to the event. The delay encountered if normal rulemaking procedures were followed would effectively cancel this event. Cancellation of this event is contrary to public interest.

Background and Purpose

On March 16, 1995, the Greenwood Lake Powerboat Association and the West Milford Chamber of Commerce submitted an application to hold a powerboat race on the waters of Greenwood Lake. The safety zone encompasses a southern portion of Greenwood Lake, shore to shore, south of latitude 41°09′ N, and north of latitude 41°08′ N. The safety zone is rectangular in shape with the northern and southern boundaries both marked by four temporary buoys. The safety zone is in effect from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York. This safety zone precludes all vessels from transiting this portion of Greenwood Lake and is needed to protect mariners from the hazards associated with high speed powerboats racing in confined waters.

Regulatory Evaluation

This regulation 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 DOT is unnecessary. This safety zone closes a one mile segment in the southern portion of Greenwood Lake to all vessel traffic from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons. Due to the limited duration of the race; that the event is taking place on an inland lake which has no commercial traffic; and that this is an annual event with local support, the impact of this regulation is expected to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under Section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation 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).

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the powerboat race will be conducted in conjunction with the marine event permitting process.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 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; 49 CFR 1.46.

2. A temporary section, 165.T01–037, is added to read as follows:

§ 165.T01–037 Safety Zone; Greenwood Lake Powerboat Race, Greenwood Lake, New Jersey.

(a) *Location.* The waters of Greenwood Lake, shore to shore, south of latitude 41°08′ N.

(b) *Effective period.* This safety zone is in effect from 10 a.m. until 7 p.m. on May 20, and May 21, 1995, unless extended or terminated sooner by the Captain of the Port, New York.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 13, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 95–10069 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH25

Veterans Education: Establishing Eligibility Under the Montgomery GI Bill—Active Duty

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Vocational Rehabilitation and Education regulations to reflect the statutory requirement that individuals seeking to establish eligibility for educational assistance under the Montgomery GI Bill—Active Duty through a combination of active duty service and service in the Selected Reserve must enter the Selected Reserve within one year of discharge from active duty.

EFFECTIVE DATE: December 18, 1989, the date this requirement became effective.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration (202) 273–7187.

SUPPLEMENTARY INFORMATION: The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This final rule merely reflects statutory requirements. Further, the final rule affects only individuals, and does not directly affect small entities.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 21, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21, subpart K is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

1. The authority citation for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98–525, 38 U.S.C. 510(a).

2. In § 21.7042 paragraph (b)(4) and its authority citation are revised to read as follows:

§ 21.7042 Basic eligibility requirements.

* * * * *

(b) * * *

(4) Except as provided in paragraph (b)(7) of this section, after completion of active duty service, the individual must serve at least four continuous years of service in the Selected Reserve. An individual whose release from active duty service occurs after December 17, 1989, must begin this service in the Selected Reserve within one year from the date of his or her release from active duty. During this period of service in the Selected Reserve the individual must satisfactorily participate in training as prescribed by the Secretary concerned.

(Authority: 38 U.S.C. 3012(a)(1); Pub. L. 100–689, Pub. L. 101–237)

* * * * *

[FR Doc. 95–9990 Filed 4–21–95; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 493

[HSQ–216–FC]

RIN 0938–AG71

CLIA Program; Categorization of Tests and Personnel Modifications

AGENCY: Health Care Financing Administration (HCFA) and Public Health Service (PHS), HHS.

ACTION: Final rule with comment period.

SUMMARY: In this rule we are responding to some of the comments on categorization of tests and personnel requirements received in response to rules published on February 28, 1992 and January 19, 1993. (In a future rule, we will be responding to the remaining comments.) We are revising our regulations to: Allow dentists and midlevel practitioners to perform tests in the ''physician-performed'' microscopy (PPM) subcategory of moderate complexity procedures (we now call the subcategory ''provider-performed''); include three additional tests in PPM; and expand provisions relating to general supervisor and high complexity testing personnel.

DATES: *Effective date:* These regulations are effective April 24, 1995.

Comment date: Comments on the addition of three PPM tests will be considered if we receive them at the appropriate address, as provided under **ADDRESSES**, no later than 5 p.m. on June 23, 1995.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HSQ–216–FC, P.O. Box 26676, Baltimore, MD 21207.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201,

or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HSQ–216–FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer.

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202)

783–3238 or by faxing to (202) 275–6802. The cost for each copy is $8.00. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Rosemary Bakes-Martin, (404) 488–7655, for questions regarding the addition of the three PPM tests; Rhonda S. Whalen, (404) 488–7655, for questions regarding personnel; and Judy Yost, (410) 597–5907, for certificate, fee, and inspection issues.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 353 of the Public Health Service Act (42 U.S.C. 263a), as amended by the Clinical Laboratory Improvement Amendments of 1988 (CLIA), all laboratories that examine human specimens for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of, human beings must meet certain requirements to perform the examination. Many of the requirements are based on the complexity of the tests performed. There are currently three test categories: Waived, moderate complexity, including the subcategory of physician-performed microscopy, and high complexity.

Following the publication on February 28, 1992 (57 FR 7002) of the initial regulations implementing CLIA, HHS established a Clinical Laboratory Improvement Advisory Committee (CLIAC) to advise and make recommendations on technical and scientific aspects of the regulations. The CLIAC is composed of individuals involved in the provision of laboratory services, use of laboratory services, development of laboratory testing devices or methodologies, and others as approved by HHS. In addition, HHS has designated the following four CLIAC subcommittees: cytology; personnel; proficiency testing, quality control and quality assurance; and test categorization.

The CLIAC meets as needed, but not less than once a year. So far, the CLIAC has met in October, 1992, February, May, August, and December, 1993, and March and September, 1994. The subcommittee on test categorization has met in January and June, 1993; the subcommittee on cytology has met in December, 1993; and the subcommittee on proficiency testing, quality control, and quality assurance has met in March and September, 1994.

Following publication of the February 28, 1992 regulations, we received approximately 16,000 letters from professional organizations and individuals that provided around 71,000 comments. In response to public comments received concerning certain physician performed microscopy procedures, we requested the CLIAC to evaluate the categorization of these tests. As a result, we developed a new subcategory of moderate complexity testing, called physician-performed microscopy (PPM) procedures, and published the requirements concerning the subcategory in a rule on January 19, 1993 (58 FR 5215).

In this rule, we address the comments we received concerning the application of certain personnel requirements and comments concerning categorization of PPM tests. One area of commenter concern was that currently employed supervisors and high complexity testing personnel continue to be qualified. Another area of concern was that our requirements would diminish access to services, particularly in rural and underserved areas, leading to recommendations that we expand the PPM procedures subcategory to include dentists and midlevel practitioners.

II. Responses to Comments

A. Categorization: Physician-Performed Microscopy Procedures

As stated earlier, we established a new subcategory of moderate complexity testing called ''physician-performed microscopy (PPM) procedures'' in revisions to the CLIA regulations, published in the **Federal Register** on January 19, 1993. In response to the regulation establishing PPM, we received approximately 2,200 comments from professional organizations and individuals. A significant number of these comments addressed the tests categorized as PPM procedures, including requests that some of these tests be waived, or that additional tests be added to the list of PPM procedures. Some commenters asked that PPM be expanded to include specific tests related to a particular medical specialty or practice. Conversely, other commenters were opposed to adding additional tests or criteria to PPM, and felt that this subcategory should remain very limited.

Comments and Responses

Comment: A number of commenters stated that PPM is too restrictive, and that all of the PPM procedures should be categorized as waived tests. Some commenters specifically stated that wet mounts and urine sediment examinations should not be in PPM but should be waived tests.

Response: Tests included in PPM are moderate complexity microscopic examinations that do not meet the criteria for waiver because they are not simple procedures; they require training and specific skills for test performance. Personnel performing these tests must be proficient in the use of a microscope and must be able to detect and identify cellular elements present in a specimen, both of which require substantial training, experience, and specific knowledge to be accurately performed. To differentiate significant elements in a specimen from debris or artifacts requires a high level of interpretive skills. In fact, personnel requirements for this subcategory of moderate complexity testing are more stringent than for other moderate complexity testing due to the nature of testing in PPM. Examinations of wet mount preparations and urine sediment were included in PPM because they meet the PPM criteria. These microscopic examinations are performed during a patient's physical examination on specimens that are labile or not appropriate to send to another laboratory for analysis. In addition, controls are generally not available to monitor the complete testing process for these procedures. Therefore, only limited activities are suitable for inspection.

Comment: Several commenters expressed confusion as to which examinations are considered ''wet mount examinations''.

Response: We are revising the description of ''wet mount examinations'' at § 493.19(c)(1) (formerly § 493.16(c)(1)), to clarify what we mean by wet mount preparations. Although we provided the examples of vaginal, cervical or skin specimens as part of the wet mount definition, we never intended to limit wet mount examinations to only these specimens. By revising the definition of this test, we are not making any changes in what was originally intended for this group of examinations. They are moderate complexity microscopic examinations performed on any direct specimen that may be suspended in a drop of water or saline. They are performed using a microscope, which is limited to bright-field or phase-contrast, in order to recognize the presence or absence of bacteria, fungi, parasites, and human cellular elements (including red and white blood cells, epithelial cells, etc.) and to differentiate these from artifacts. They are not procedures in which definitive identification or enumeration is made or any staining is performed.

Comment: A number of commenters requested that additional tests be added to PPM. Microscopic tests that were suggested include synovial fluid analysis, qualitative and quantitative semen analysis, nasal smears or sputum for eosinophils or basophils, wet mount examination of prostatic fluid or secretions, stools for leukocytes, scabies examinations, Gram stain, Tzanck preparations, white blood cell counts and leukocyte differentials, microscopic examinations of hair morphology, dark-field examinations and molluscum smears. A number of non-microscopic procedures were also requested, including microbiology cultures, serum glucose and BUN levels, qualitative drug screens, a variety of serologic tests, and miscellaneous tests performed using hand-held or elementary instrumentation.

Other organizations and professionals were opposed to adding tests or criteria to PPM. Two organizations suggested explicit language to limit procedures included in PPM to specific microscopic examinations and exclude any testing that involves automated instrumentation or biochemical reactions.

Response: Tests in PPM are limited to specific microscopic examinations that are moderately complex procedures and meet the criteria for PPM. Most of the tests named by commenters for addition to PPM do not meet these established criteria. However, nasal smear examinations for granulocytes, fecal leukocyte examinations, and qualitative semen analysis (limited to the presence or absence of sperm and detection of motility) do meet the criteria for inclusion in PPM. They are all moderate complexity microscopic examinations that are performed during the course of a patient examination. They are performed on labile specimens, require very limited specimen processing and handling, and controls are not available to monitor the entire testing process. Fecal leukocyte examinations and qualitative semen analyses are actually forms of wet mount examinations. The CLIAC recommended that these three examinations be included in PPM, and HHS agrees with CLIAC that these procedures meet the PPM criteria. The other examination that the CLIAC recommended be added to PPM, the wet mount examination of expressed prostatic secretions, is now included in PPM because it meets the clarified definition of wet mounts in § 493.19(c)(1). Tests that the CLIAC reviewed, and recommended not be included in PPM, are the Gram stain, quantitative semen analysis, histodermatology slides, white blood cell (WBC) differential, and polarization of synovial fluid for crystals. These examinations do not meet the criteria for inclusion in the PPM subcategory. The quantitative semen analysis, histodermatology slides, and polarization of synovial fluid for crystals are all high complexity procedures. Although some Gram stains and WBC differentials are categorized as moderate complexity, these examinations do not meet the additional criteria required for inclusion in PPM. They are not performed on labile specimens, and quality control materials are readily available for Gram stains and WBC differentials. Both of these examinations are performed on specimen preparations that must be stained in order to differentiate and identify cellular elements. These staining procedures require multiple, critical steps. Therefore, HHS concurs with the CLIAC recommendations that these tests not be included in the PPM subcategory, and has not added these tests to the list of PPM examinations.

Comment: Several organizations requested that tests relevant to specific medical specialties, including pediatrics, internal medicine, family practice, rheumatology, and infectious disease, be added to PPM for physicians with appropriate training.

Response: The CLIAC considered a proposal by HHS to expand PPM to include additional medical specialty-specific microscopic examinations when performed by physicians with specialty training. The CLIAC recommended that PPM not be expanded to include medical specialty-specific procedures, due to the difficulty in establishing a mechanism to assure adequate training and competency in performing each of these specialized procedures. HHS agrees with this recommendation and we have not added medical specialty-specific procedures to PPM; however, physicians may continue to perform these procedures in accordance with the applicable requirements for the level of complexity in which the test is categorized.

Comment: One organization stated that, in order to contain costs, physicians should be able to perform essential laboratory tests in their offices without restrictions and recommended that a free-standing physician category be established with the range of tests performed in each laboratory based on the physician's specialty, training and experience. The organization indicated that there should be no specific test list; any testing other than cytopathology would be included in this category. Testing could be performed by the physician, or by other personnel under the direction and control of the physician. Quality control and proficiency testing would be required, and laboratories would be subject to on-site inspections if it was suspected that they were not in compliance with the regulations.

Response: The CLIA regulations were developed in an effort to ensure the quality of laboratory services in every testing situation and assure that accurate and reliable testing is available to all patients. To do this, minimum requirements were established for laboratory testing that, in accordance with the law, depend on the complexity of the procedures being performed and are independent of the testing location. As test procedures become more complex, more stringent testing requirements are imposed. PPM contains a unique group of microscopic procedures that are routinely performed in the course of a patient examination. They are tests for which it is difficult to enforce regulatory requirements because biological controls that monitor the entire testing process are not readily available and because the inspection process would interfere with a patient examination. The PPM subcategory was established to exempt physicians (and, as discussed below, mid-level practitioners and dentists are now included) from the requirement for routine inspections if the PPM procedures are the only tests, in addition to waived tests, that they perform. Physicians, mid-level practitioners, and dentists are not prohibited from performing other laboratory procedures in their offices or clinics. However, for procedures that can be regulated through an inspection process, routine inspections are required, since this is one mechanism to assure that the quality of testing is maintained.

Changes to the Regulations

In this regulation, we have moved the PPM subcategory, formerly located at § 493.16, to a new § 493.19.

In the list of PPM procedures now located at § 493.19(c), we are changing the description of wet mounts at § 493.19 (c)(1) to clarify the types of examinations that are included in this procedure. Also, to the list of PPM procedures, we are adding three tests: nasal smears for granulocytes, fecal leukocyte examinations, and qualitative semen analysis (limited to the presence or absence of sperm and detection of motility).

Other Revisions to the Regulations

Currently, PPM procedures are subsumed in the category of moderate complexity, with changes made to moderate complexity testing requirements as needed. To aid readers in finding requirements pertinent to their needs, we have created a discrete subcategory of requirements for PPM procedures, by breaking out the requirements for PPM as necessary.

Currently, a laboratory that meets the requirements to perform high or moderate complexity tests is issued a ''certificate''. We also have certificates for PPM procedures. For clarity, to distinguish between the generic use of the word certificate and the type of certificate issued to a laboratory that performs tests of moderate or high complexity, or both, we are changing ''certificate'' (for tests of moderate or high complexity, or both) to ''certificate of compliance.'' This is the certificate that will be issued following the determination of successful compliance with the CLIA regulations for testing that includes moderate and/or high complexity. Where necessary, we make revisions concerning each specific certificate and/or subcategory (including waived tests). We are changing, as required, references to specific certificates to refer to ''appropriate'' certificates.

We make these technical changes in the following existing sections and headings: §§ 493.2, definition of ''certificate'' under ''CLIA certificate''; 493.3(a)(1); 493.5(a)(2) and (c) (formerly 493.10); 493.20(a) and (b); 493.25(c) (formerly 493.25(d)); subpart C heading; 493.43 heading and paragraph (a); 493.45 introductory paragraph and paragraphs (a)(1), (2) and (3) (the last is deleted) and (d) and (f); 493.49; 493.51 heading, introductory paragraph, and paragraphs (b) and (c); 493.55(a); 493.57 introductory paragraph and subparagraph (b)(1)(ii); 493.511(h); 493.521(j); 493.602; 493.638; 493.639(b); 493.643(d); 493.645 heading and paragraph (c) (redesignated from paragraph (a)(2)); 493.646(a); 493.649(a) and (b); subpart H heading; 493.803(a); 493.807 heading; subheading preceding 493.821; subpart I heading; subpart J heading; 493.1101, including the heading; subpart K heading; 493.1201 heading; subpart M heading; subpart P heading; 493.1701, including heading; 493.1777 heading, introductory paragraph and paragraphs (a) and (g); 493.1814(b)(3); 493.1834(b) and (f)(2)(iii); 493.1836(c)(2) and (3); and 493.2001.

B. Personnel

1. Physician-Performed Microscopy Procedures

Comment: Approximately 68 percent of the 2,200 comments received in response to the regulation establishing PPM addressed personnel requirements, especially expansion of the PPM subcategory to include other health care practitioners. The comments were divided between individuals who suggested expansion of PPM to include other health care professionals and those commenters who believed that PPM should be limited to physicians. While national laboratory organizations and individual laboratory professionals commented that PPM should be limited to physicians, professional organizations representing physicians and midlevel health care practitioners stated that PPM should be expanded to include other health care providers. We also received comments requesting that dentists be included in PPM to allow them to perform wet mount examinations as part of their dental evaluations.

Several commenters representing physicians and midlevel health care practitioners included information and responded to questions posed in the preamble to the January 19, 1993, **Federal Register** rule creating the PPM subcategory. In that publication, we specifically asked commenters to comment on the type of health care professionals who usually perform the PPM tests as part of a physical examination, how often the tests are performed, and the quality, access and cost implications in establishing the PPM subcategory.

The commenters who responded to these questions stated that depending on the type of health care setting, physicians, or quite often nurse practitioners, nurse midwives, or physician assistants, perform physical examinations and the laboratory tests related to these examinations. In some cases, State laws authorize these midlevel practitioners to practice independently. These commenters added that, because of the variety of settings, it is impossible to estimate the percentage of testing done by each group of health professionals. However, they did say that many midlevel practitioners perform patient examinations and certain microscopic tests on a daily basis and in equal or greater numbers than physicians in some places. They also said that midlevel practitioners receive the training needed to perform these tests and the quality of their test results is at least equivalent to testing performed by physicians. Commenters indicated that, in addition to the physicians and the midlevel practitioners listed above, emergency personnel, registered nurses, licensed practical nurses, and medical assistants perform PPM tests. Commenters indicated that although the cost of testing might vary, this was not related to who performed the test.

Lastly, the commenters stressed that the quality, cost and access implications of not including midlevel practitioners under the certificate for the PPM subcategory were extensive, especially in rural areas, among low-income populations, and in other areas where there is a shortage of physicians. In some of these settings, midlevel practitioners are the only available health care providers. Excluding these professionals from obtaining a certificate for the PPM subcategory has substantial cost implications. Since laboratories that have a certificate for the PPM subcategory are not subject to fees for routine inspections, the cost of providing services under the PPM certificate is lower than under a certificate of compliance. If facilities cannot afford to provide testing under a certificate of compliance, patient access to health care would be limited.

Response: In considering these comments, we sought the advice of the CLIAC. In an effort to provide an opportunity for public discussion and consideration of these issues, we scheduled two CLIAC meetings on the PPM subcategory. Presentations were made by HHS, and the public was invited to comment and provide information. The CLIAC recommended that individuals and organizations representing practitioners seeking to be included in the PPM subcategory submit documentation concerning the specific course work and the amount of training such individuals receive in the performance of microscopic examinations. Over 100 individuals and organizations responded to the request for information, with many of the commenters providing documentation of specific training curricula in microscopic procedures. The CLIAC asked CDC to evaluate the materials submitted. In reviewing the training programs of nurse midwives, nurse practitioners and physician assistants, CDC concluded that these practitioners, like physicians, perform the procedures currently included in the PPM subcategory in conjunction with patient evaluations, and the training they receive in microscopic examinations is comparable to that of physicians. The CLIAC considered this information and recommended that midlevel practitioners, defined as nurse

practitioners, nurse midwives, and physician assistants, be included in the PPM subcategory. The CLIAC suggested that these midlevel practitioners be permitted to perform PPM procedures under the supervision of a physician or to function independently in States that authorize individual practice.

In view of the CLIAC recommendation and the CDC evaluation that nurse midwives, nurse practitioners and physician assistants receive sufficient training to properly perform and interpret the microscopic examinations currently included in the PPM subcategory, we are adding midlevel practitioners to the PPM subcategory. We define them in § 493.2 as nurse practitioners, nurse midwives and physician assistants, licensed by a State if such licensing is required.

As a result of the comments received, we also considered the inclusion of dentists in the PPM subcategory. After evaluating the education and training that dentists receive in clinical laboratory procedures, we concluded that dentists, with either a Doctor of Dental Medicine (DDM) or Doctor of Dental Surgery (DDS) degree, are qualified to perform the examinations in the PPM subcategory and we are adding dentists as persons who may perform PPM procedures.

Upon evaluation of the education and training of emergency personnel, registered nurses, licensed practical nurses, and medical assistants, we determined that these practitioners do not receive sufficient training to properly perform and interpret the microscopic examinations currently included in the PPM subcategory. For this reason, we are not adding them as persons who may perform PPM procedures.

Changes to the Regulations

To accommodate the above additions, we are changing the name from ''physician-performed microscopy procedures'' to ''provider-performed microscopy procedures.''

To be consistent with other personnel requirements, we are moving the personnel requirements for the PPM subcategory, formerly located at § 493.16(e)(2) (§ 493.16(e)(3) is redesignated as § 493.19(e)(2)), to subpart M. At § 493.1355, we are specifying the condition requirements for laboratory director of PPM procedures, with director qualification requirements located at § 493.1357 and director responsibilities at § 493.1359. To the director responsibility requirements, we are adding the requirement limiting the number of laboratories that an individual can direct to five, which was inadvertently not included in previous regulations; currently, directors of laboratories performing other moderate complexity testing may only direct five. The condition requirements for testing personnel performing PPM procedures are now located at § 493.1361, while testing personnel qualifications are located at § 493.1363 and responsibilities are at § 493.1365.

We are also making numerous conforming changes to part 493 to accommodate the revision to include midlevel practitioners and dentists. We are revising the following additional sections and headings: §§ 493.2—definition of ''CLIA certificate—certificate for physician-performed microscopy procedures'' by adding ''dentist'' and ''midlevel practitioner'', and revising ''physician'' (for consistency to include doctors of osteopathy and to require the physician to be licensed in the State in which the laboratory is located); 493.20(b); 493.25(c) (redesignated from 493.25(d)); heading for subpart C; 493.43 heading; 493.45(a)(2); 493.47; 493.49(a)(3); 493.53 heading and introductory paragraph; 493.638; 493.639(b); 493.643(a); 493.646(a); 493.1776 heading and paragraphs (a) (3) and (4) and (b); 493.1814(b)(3); 493.1834(b) and (f)(2)(iii); and 493.1836(c) (2) and (3).

2. General Discussion of General Supervisor and High Complexity Testing Personnel Comments

In response to the personnel requirements contained in the final regulations published February 28, 1992, we received approximately 55,000 comments from individuals and organizations. The qualification requirements for general supervisor and high complexity testing personnel received the most extensive comments. Approximately 8,000 comments concerned general supervisor, 14,000 comments related to high complexity testing personnel and more than 10,000 comments pertained to testing personnel, with the complexity of testing not specified. Some commenters indicated that the regulations were too stringent, while others thought the requirements were too lenient. Among the commenters who thought that the minimum qualifications should be raised, there was a general consensus that the increase in requirements should be prospective and that the regulations should include alternative qualifying pathways to avoid affecting currently employed individuals adversely. Many commenters were concerned that the regulations would eliminate the jobs of many laboratory employees who possess extensive work experience but lack the requisite degree or formal laboratory training. This would particularly exacerbate the shortage of qualified laboratory personnel in rural and underserved areas and limit patient access to testing.

In evaluating the many comments, we sought advice from the CLIAC concerning whether changes were needed in the regulations pertaining to general supervisor and high complexity testing personnel. Many individuals and organizations provided detailed information and suggestions to CLIAC about the qualifications that should be required for supervision and performance of high complexity testing. The CLIAC recommended revising the regulations to recognize currently employed individuals who do not meet the qualifications contained in the final regulations but who have clinical laboratory training and extensive laboratory experience.

We acknowledge that extensive experience can qualify individuals to competently perform these functions. Therefore, in response to the comments provided to the regulations published February 28, 1992, and to the CLIAC advice, and to mitigate the impact of the regulations on currently employed people, especially those in rural and underserved areas, we are making in this regulation the changes necessary to provide alternative qualification pathways.

We are revising the general supervisor (§ 493.1461) and high complexity testing personnel (§ 493.1489) requirements to: qualify individuals currently performing high complexity testing and those currently employed general supervisors if they have the requisite laboratory training or experience; recognize 50-week U.S. military medical laboratory training programs and accredited laboratory training programs; and establish equivalent requirements for the associate degree. More specific comments and responses concerning revisions to the regulations to create alternative qualifications for general supervisor and high complexity testing personnel follow.

We also are making conforming cross-reference changes to §§ 493.1463 and 493.1495.

3. Specific Comments and Responses

General Supervisor Qualifications

Comment: Although many commenters agreed that the minimum requirement for general supervisor should be an associate degree in clinical laboratory science or medical laboratory technology, others indicated that the

requirement should be an associate degree with area of study not specified. Some commenters said that requirements equivalent to the associate degree should be established. Several commenters indicated that individuals having a bachelor of arts or education degree with a specified number of science courses should be qualified.

Response: We agree with the commenters who suggested the establishment of requirements equivalent to the associate degree with appropriate study in the sciences because we believe individuals who have completed the requisite courses and training are qualified to supervise high complexity testing. In this regulation, we are defining the following as equivalent to the academic requirements for an associate degree: 60 semester hours, which must include either 24 semester hours of medical laboratory technology courses or 24 semester hours of science courses that include six semester hours of chemistry, six semester hours of biology, and twelve semester hours of courses in chemistry, biology or medical laboratory technology, or any combination. In addition, individuals must have completed either an accredited clinical laboratory or medical laboratory training program (which may be included in the 60 semester hours specified above) or three months of documented training in each specialty in which the individual performs high complexity testing. We are specifying the equivalent requirements for the associate degree under high complexity testing personnel, which are adopted by cross-reference to the general supervisor requirements. Therefore, individuals who do not have a degree or who have a bachelor's degree that is not in a science can now qualify as a general supervisor if they meet the equivalency requirements for an associate degree and have at least two additional years of laboratory training or experience in high complexity testing.

Comment: Many commenters recommended qualifying medical laboratory technicians without an associate degree to serve as general supervisor. Some commenters recommended qualifying individuals, including certified laboratory assistants, who received training in an accredited hospital or approved technical school training program. Other commenters recommended qualifying individuals with military training.

Response: We agree with the commenters that the regulations should recognize individuals who were serving as a general supervisor of high complexity testing on or before September 1, 1992 (the effective date of the CLIA personnel regulations) but do not have an associate degree, or equivalent, provided they have completed an accredited clinical laboratory training program. We believe individuals having this training and experience have the appropriate qualifications to serve as a general supervisor. Therefore, we are adding a provision to the general supervisor qualification requirements to qualify individuals who, on or before September 1, 1992, were serving as a general supervisor of high complexity testing. The individual must on or before April 24, 1995, have completed a 50-week U.S. military medical laboratory training program or have graduated from a medical laboratory or clinical laboratory training program accredited by the Accrediting Bureau of Health Education Schools, Commission on Allied Health Education Accreditation or other organization approved by HHS. To help assure equivalency to other qualification pathways, individuals having this type of training are required to have two additional years of laboratory training or experience in high complexity testing in order to qualify as general supervisor. This additional training or experience may be acquired before or after completing the accredited or U.S. military medical laboratory training program.

Comment: Several commenters misread the regulations and thought that individuals qualified under regulations published March 14, 1990 (55 FR 9576) were required to obtain an associate degree.

Response: Individuals who qualified as general supervisors under the previous Federal regulations are qualified under these regulations and are not required to obtain an associate degree.

Comment: Some commenters recommended that all laboratory personnel currently employed as general supervisors be qualified through a ''grandfather'' provision.

Response: We agree with the commenters and the CLIAC recommendation that regulations should include provisions to allow currently employed supervisors who have pertinent laboratory experience to continue their employment. We are adding a provision to the general supervisor requirements to qualify high school graduates, or equivalent, who, on or before September 1, 1992, were serving as a general supervisor and have at least ten years of laboratory training or experience in high complexity testing, including at least 6 years of supervisory experience in high complexity testing within the last 10 years because we believe this amount of experience is appropriate to qualify individuals as general supervisors and is commensurate with the general supervisor responsibility requirements.

Comment: A few commenters agreed with the responsibilities for general supervisor, while a few commenters disagreed. Most of the commenters who disagreed with the responsibilities were opposed to requiring the general supervisor to be onsite when high complexity tests are performed by personnel who do not have at least an associate degree. Conversely, many commenters indicated that an individual with an associate degree should be allowed to perform high complexity testing only when a technologist or supervisor is onsite.

Response: In the revised regulation published in the **Federal Register** on January 19, 1993, we changed the requirement for onsite supervision to require 24-hour review of any high complexity testing performed by personnel who do not have at a minimum an associate degree and were performing high complexity testing on or before January 19, 1993. However, in the January 19, 1993 regulation, we retained the onsite supervision requirement for those high school graduates, or equivalent, who began performing high complexity testing after January 19, 1993. In this regulation, we are not changing the requirements for onsite supervision or 24-hour review. However, we believe individuals who have completed accredited or 50-week U.S. military medical laboratory training programs or have academic qualifications equivalent to the associate degree are qualified to perform high complexity testing. Therefore, we are revising the regulations to qualify as high complexity testing personnel individuals having these qualifications. Individuals who qualify under these new provisions may perform high complexity testing without onsite supervision or 24-hour review.

We do not agree with the commenters that onsite supervision should be required for high complexity testing performed by individuals having an associate degree; such a requirement would be unnecessarily burdensome and could exacerbate personnel shortages and limit patient access to testing. It should be emphasized that these are minimum requirements that do not restrict laboratories from establishing their own policies requiring higher personnel qualifications. In all cases, the laboratory director is responsible for ensuring that all testing

personnel have the necessary education and training or experience required for test performance.

Testing Personnel Qualifications (High Complexity)

Comment: Numerous commenters believed an associate degree in laboratory science or medical laboratory technology should be the minimum education requirement. Several commenters suggested recognizing associate degrees in fields other than clinical laboratory science or medical laboratory technology, with others suggesting equivalent requirements be established for the associate degree.

Response: Currently, the qualification requirements for high complexity testing personnel contain provisions that prospectively require high school graduates to obtain an associate degree. As mentioned above, in evaluating the comments received concerning high complexity testing personnel, we sought the advice of the CLIAC about the appropriateness of the qualifications required. The CLIAC recommended that the associate degree be established as the minimum education requirement and, in addition, that equivalent academic requirements be established for the associate degree. In this regulation, we are adding a provision to qualify individuals who have completed specific college courses but do not have an associate degree or who have an associate degree that is not in medical laboratory technology or a laboratory science. As previously mentioned, we have defined requirements equivalent to the associate degree (60 semester hours that must include 24 semester hours of medical laboratory technology courses *or* 24 semester hours of science courses that include six semester hours of chemistry, six semester hours of biology and twelve semester hours of courses in chemistry, biology or medical laboratory technology, or any combination); individuals qualifying under the equivalency provisions also must have completed either an accredited clinical laboratory or medical laboratory training program (which may be included in the 60 semester hours) or three months of documented training in each specialty in which the individual performs high complexity testing. The laboratory training may be acquired before, during or after completing the academic requirements.

Comment: Many commenters recommended recognizing medical laboratory technicians without an associate degree. Commenters also recommended qualifying individuals, including certified laboratory assistants, who received training in an accredited hospital or technical school training program. A large number of commenters suggested qualifying individuals with military training.

Response: We agree with the commenters that, in addition to the revisions made to the general supervisor requirements, revisions are needed in the qualification requirements for high complexity testing personnel to recognize individuals who have completed a nondegree clinical laboratory training program and, therefore, have equivalent training. Therefore, we are adding to the high complexity testing personnel requirements, a provision to qualify individuals who, on or before April 24, 1995 have completed a 50-week U.S. military medical laboratory training program or have graduated from a medical laboratory or clinical laboratory training program accredited by the Accrediting Bureau of Health Education Schools, Commission on Allied Health Education Accreditation or other organization approved by HHS.

Comment: A number of commenters recommended that the regulations be revised to qualify all currently employed high complexity testing personnel. Other commenters said currently employed high school graduates, who were trained on the job, should be allowed to continue performing high complexity testing but only under supervision.

Response: We agree with the CLIAC recommendation that the regulations should be revised to alleviate the impact on currently employed personnel. We also believe that high school graduates with appropriate training, who were performing high complexity testing on or before April 24, 1995 have obtained sufficient work experience to allow them to continue performing testing with supervisory oversight. Therefore, we are revising the regulations to allow these individuals to continue performing high complexity testing even after September 1, 1997 (the current limit) and do not require that they obtain additional training or education. However, performance of any high complexity testing by these individuals must be in accordance with the supervision requirements discussed below.

Comment: A few commenters agreed with the responsibility requirements for high complexity testing personnel, while numerous commenters disagreed. The majority of the commenters who disagreed were opposed to requiring onsite supervision when individuals who do not have an associate degree perform high complexity testing.

Response: As previously mentioned above under the discussion of qualifications of the general supervisor, in the regulation published in the **Federal Register** on January 19, 1993, we changed the requirement for onsite supervision to only require 24-hour review of any high complexity testing performed by personnel who do not have an associate degree and who were performing high complexity testing on or before January 19, 1993. The onsite supervision requirement was retained only for those high school graduates, or equivalent, who began performing high complexity testing after January 19, 1993. In this regulation, we are not changing the requirements for onsite supervision or 24-hour review. However, we believe individuals who have completed accredited or U.S. military laboratory training programs or have qualifications equivalent to the associate degree and have appropriate laboratory training are qualified to perform high complexity testing without supervision. Therefore, we are revising the qualification requirements for high complexity testing personnel to allow individuals having these qualifications to perform high complexity testing without onsite supervision or 24-hour review.

III. Other Revisions

We are making the following technical changes in addition to those discussed above:

- We are making minor editorial changes to improve clarity and remove redundancies. This includes removing §§ 493.610, 493.614, 493.618, 493.622, 493.626, 493.629, 493.630, 493.631, 493.632, 493.633 and 493.634.
- We are revising the definition of ''certificate of registration'' in § 493.2 to exclude reference to laboratories that are exempt from CLIA requirements because they are licensed by a HCFA-approved laboratory licensure program: these laboratories are not required to obtain a registration certificate.
- From the definition of ''physician'' in § 493.2 we are deleting the phrase ''or equivalent degree'' as there are no degrees equivalent to doctor of medicine, osteopathy or podiatric medicine.
- To §§ 493.35(d)(2) and 493.37(b)(2) we are adding a requirement that a laboratory seeking a certificate of waiver must permit announced inspections by HHS (as well as unannounced) because it was inadvertently omitted from the January 19, 1993 rule.
- In §§ 493.35(d)(2)(iv), 493.49(b)(2)(iv), 493.1776(a)(4) and 493.1776(b)(4)(iv), we indicate that we will collect information during

inspections to determine the ''appropriateness'' of tests, rather than their ''addition, deletion or continued inclusion''.

- In § 493.602 we clarify Federal validation survey activity to include accredited laboratories and change ''State-exempt'' to ''CLIA exempt'' to agree with references that were changed in previous regulations.
- In §§ 493.638, 493.639, and 493.645(c), we revise the text so that it more accurately reflects what costs fees do and do not cover; for example, they do cover the cost of categorizing tests.
- In the title of § 493.645 and paragraph (a) we are changing the word ''licensure'' to ''laboratory'' and, in paragraph (a), ''State-exempt'' to ''CLIA-exempt'' to conform to changes made in previous regulations.

IV. Waiver of Delay in Effective Date

We find good cause to waive the usual 30-day delay in effective date for most of the revisions. Those persons who become qualified under the revised regulations are no less qualified now than they will be in 30 days. Hence, it serves no purpose to delay our regulations. Other revisions are very technical in nature and to delay their effective date is also unnecessary. Also, under the provisions of the current regulations, revisions of the list of PPM tests may be done outside of a rulemaking process through publication of a **Federal Register** notice that does not require a 30 day delay. As indicated earlier, we also will consider comments received on the addition of three new PPM procedures. Therefore, we find good cause to waive the delay in effective date of this rule.

V. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VI. Collection of Information Requirements

The portions of §§ 493.7, 493.35, 493.39, 493.43, 493.53, 493.55, and 493.57 of this document that have been revised contain information collection and recordkeeping requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These reporting and recordkeeping requirements are not effective until a notice of OMB's approval is published in the **Federal Register**. The information collection requirements concern the performance of recordkeeping. The respondents who will provide the information include any entity performing laboratory testing used for assessment, diagnostic or treatment purposes. Public reporting burden for this collection of information is estimated to be 61 hours per laboratory per year.

Organizations and individuals desiring to submit comments on the information collection and recordkeeping requirements should direct them to the OMB official whose name appears in the **ADDRESSES** section of this preamble.

VII. Regulatory Impact Statement

Background

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, all laboratories are considered to be small entities. Individuals and States are not included in the definition of a small entity.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

General

This rule modifies CLIA regulations published February 28, 1992 and January 19, 1993. There are approximately 157,000 entities enrolled under CLIA that may be affected by the provisions of this rule. The significance of the effect will vary depending on the volume and complexity of tests performed; whether the entity employs midlevel practitioners to perform provider-performed microscopy (PPM) procedures; and whether employees meet the personnel requirements contained in the February 28, 1992 regulations. While we cannot estimate the number of entities that may make changes in their laboratory testing practices as a result of this rule, we believe the modifications to the CLIA program will benefit the affected entities in several ways. This rule will help to ease implementation of the CLIA program at no loss to public health and safety by offering alternative qualification standards for laboratory employees who would be adversely affected by the original personnel requirements. It also increases patient access to laboratory services, especially in rural and underserved areas, by expanding the list of personnel qualified to conduct certain laboratory tests. In addition, it reduces the regulatory burden for laboratories by enabling them to provide an expanded menu of tests under a PPM certificate without incurring the costs associated with obtaining a certificate of compliance.

Categorization of Tests

Expanding the list of PPM procedures may affect a laboratory's choice of certificate. Laboratories with certificates for PPM are not subject to costs associated with the routine inspections required under a certificate of compliance. Therefore, laboratories holding a certificate of compliance that change to a certificate for PPM will have a decrease in compliance costs and the number of inspections. Certificate of waiver laboratories choosing to expand their test menu to include PPM procedures and obtain a certificate of PPM will have increased certificate fees, as well as additional costs inherent in meeting applicable requirements, such as personnel and proficiency testing. The current biennial fee for a certificate of waiver is $100, as compared to $150 for a certificate for PPM. Although the cost of obtaining a certificate for PPM is more than for a certificate of waiver, it is less than the cost associated with a certificate of compliance.

Provider-Performed Microscopy Procedures

All providers performing microscopy examinations in conjunction with patient evaluations may be affected by the expansion of the subcategory of microscopy procedures to include midlevel health care practitioners and dentists. Many midlevel practitioners routinely perform patient examinations and associated laboratory testing, and in some States, are authorized to practice independently. Because there is such a wide variety of settings in which these services are offered, we cannot quantify the percentage of tests done by each type of health professional. However, there are no data to indicate that the quality of their tests results is not at least equivalent to the tests performed

by physicians. As a result of this expansion, patient access to care and services will increase, particularly in rural and underserved areas where there are shortages of physicians and, as many commenters pointed out, midlevel practitioners are the only health care providers available.

Personnel Requirements

As a result of our evaluation of the 32,000 comments received on the general supervisor and testing personnel requirements contained in the February 28, 1992 regulations, and after consultation with the CLIAC, we are revising the regulations to mitigate the impact of the regulations on currently employed individuals. Adding alternative qualification standards to the general supervisor and high complexity testing personnel requirements enables currently employed individuals with equivalent training and experience to continue to qualify for these positions. As stated in the impact analysis that accompanied the February 28, 1992 regulations, we recognize that flexibility is needed by the laboratory industry to effectively take advantage of the personnel resources available to it, and it was not our intention to disenfranchise anyone currently employed. By providing equivalent qualification standards, we will increase the available pool of qualified laboratory personnel which will enable laboratories to meet the certification requirements without compromising the health and safety of patients. We expect many laboratories to benefit from this revision to the regulations, especially those in rural and underserved areas who are experiencing personnel shortages and the resultant limited patient access to laboratory services.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 493

Grant programs—health, Health facilities, Laboratories, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR part 493 is amended as set forth below:

PART 493—LABORATORY PROCEDURES

1. The authority citation for part 493 is revised to read as follows:

Authority: Sec. 353 of the Public Health Service Act, secs. 1102, 1861(e), the sentence following 1861(s)(11), 1861(s)(12), 1861(s)(13), 1861(s)(14), 1861(s)(15), and 1861(s)(16) of the Social Security Act (42 U.S.C. 263a, 1302, 1395x(e), the sentence following 1395x(s)(11), 1395x(s)(12), 1395x(s)(13), 1395x(s)(14), 1395x(s)(15), and 1395x(s)(16)).

2. Section 493.2 is amended by revising the definition of ''CLIA certificate'' and ''physician'' and adding in alphabetical order definitions of ''Dentist'' and ''Midlevel practitioner'' to read as follows:

§ 493.2 Definitions.

* * * * *

CLIA certificate means any of the following types of certificates issued by HCFA or its agent:

(1) *Certificate of compliance* means a certificate issued to a laboratory after an inspection that finds the laboratory to be in compliance with all applicable condition level requirements, or reissued before the expiration date, pending an appeal, in accordance with § 493.49, when an inspection has found the laboratory to be out of compliance with one or more condition level requirements.

(2) *Certificate for provider-performed microscopy (PPM) procedures* means a certificate issued or reissued before the expiration date, pending an appeal, in accordance with § 493.47, to a laboratory in which a physician, midlevel practitioner or dentist performs no tests other than PPM procedures and, if desired, waived tests listed in § 493.15(c).

(3) *Certificate of accreditation* means a certificate issued on the basis of the laboratory's accreditation by an accreditation organization approved by HCFA (indicating that the laboratory is deemed to meet applicable CLIA requirements) or reissued before the expiration date, pending an appeal, in accordance with § 493.61, when a validation or complaint survey has found the laboratory to be noncompliant with one or more CLIA conditions.

(4) *Certificate of registration or registration certificate* means a certificate issued or reissued before the expiration date, pending an appeal, in accordance with § 493.45, that enables the entity to conduct moderate or high complexity laboratory testing or both until the entity is determined to be in compliance through a survey by HCFA or its agent; or in accordance with § 493.57 to an entity that is accredited by an approved accreditation organization.

(5) *Certificate of waiver* means a certificate issued or reissued before the expiration date, pending an appeal, in accordance with § 493.37, to a laboratory to perform only the waived tests listed at § 493.15(c).

* * * * *

Dentist means a doctor of dental medicine or doctor of dental surgery licensed by the State to practice dentistry within the State in which the laboratory is located.

* * * * *

Midlevel practitioner means a nurse midwife, nurse practitioner, or physician assistant, licensed by the State within which the individual practices, if such licensing is required in the State in which the laboratory is located.

* * * * *

Physician means an individual with a doctor of medicine, doctor of osteopathy, or doctor of podiatric medicine degree who is licensed by the State to practice medicine, osteopathy, or podiatry within the State in which the laboratory is located.

* * * * *

3. In § 493.3, the introductory text of paragraph (a) is republished and paragraph (a)(1) is revised to read as follows:

§ 493.3 Applicability.

(a) *Basic rule.* Except as specified in paragraph (b) of this section, a laboratory will be cited as out of compliance with section 353 of the Public Health Service Act unless it—

(1) Has a current, unrevoked or unsuspended certificate of waiver, registration certificate, certificate of compliance, certificate for PPM procedures, or certificate of accreditation issued by HHS applicable to the category of examinations or procedures performed by the laboratory; or

* * * * *

4. A new § 493.5 is added to read as follows:

§ 493.5 Categories of tests by complexity.

(a) Laboratory tests are categorized as one of the following:

(1) Waived tests.

(2) Tests of moderate complexity, including the subcategory of PPM procedures.

(3) Tests of high complexity.

(b) A laboratory may perform only waived tests, only tests of moderate complexity, only PPM procedures, only tests of high complexity or any combination of these tests.

(c) Each laboratory must be either CLIA-exempt or possess one of the following CLIA certificates, as defined in § 493.2:

(1) Certificate of registration or registration certificate.

(2) Certificate of waiver.

(3) Certificate for PPM procedures.

(4) Certificate of compliance.

(5) Certificate of accreditation.

§ 493.10 [Removed]

5. Section 493.10 is removed.

§ 493.16 [Redesignated as § 493.19]

6. Section 493.16 is redesignated as § 493.19 and is revised to read as follows:

§ 493.19 Provider-performed microscopy (PPM) procedures.

(a) *Requirement.* To be categorized as a PPM procedure, the procedure must meet the criteria specified in paragraph (b) of this section.

(b) *Criteria.* Procedures must meet the following specifications:

(1) The examination must be personally performed by one of the following practitioners:

(i) A physician during the patient's visit on a specimen obtained from his or her own patient or from a patient of a group medical practice of which the physician is a member or an employee.

(ii) A midlevel practitioner, under the supervision of a physician or in independent practice only if authorized by the State, during the patient's visit on a specimen obtained from his or her own patient or from a patient of a clinic, group medical practice, or other health care provider of which the midlevel practitioner is a member or an employee.

(iii) A dentist during the patient's visit on a specimen obtained from his or her own patient or from a patient of a group dental practice of which the dentist is a member or an employee.

(2) The procedure must be categorized as moderately complex.

(3) The primary instrument for performing the test is the microscope, limited to bright-field or phase-contrast microscopy.

(4) The specimen is labile or delay in performing the test could compromise the accuracy of the test result.

(5) Control materials are not available to monitor the entire testing process.

(6) Limited specimen handling or processing is required.

(c) *Provider-performed microscopy (PPM) examinations.* A laboratory may qualify to perform tests under this section if it restricts PPM examinations to one or more of the following procedures (or additional procedures added to this list as provided under paragraph (d) of this section), waived tests and no others:

(1) All direct wet mount preparations for the presence or absence of bacteria, fungi, parasites, and human cellular elements.

(2) All potassium hydroxide (KOH) preparations.

(3) Pinworm examinations.

(4) Fern tests.

(5) Post-coital direct, qualitative examinations of vaginal or cervical mucous.

(6) Urine sediment examinations.

(7) Nasal smears for granulocytes.

(8) Fecal leukocyte examinations.

(9) Qualitative semen analysis (limited to the presence or absence of sperm and detection of motility).

(d) *Revisions to criteria and the list of PPM procedures.*

(1) The CLIAC conducts reviews upon HHS' request and recommends to HHS revisions to the criteria for categorization of procedures.

(2) HHS determines whether a laboratory procedure meets the criteria listed under paragraph (b) of this section for a PPM procedure. Revisions to the list of PPM procedures proposed by HHS are published in the **Federal Register** as a notice with an opportunity for public comment.

(e) *Laboratory requirements.* Laboratories eligible to perform PPM examinations must—

(1) Meet the applicable requirements in subpart C or subpart D, and subparts F, H, J, K, M, and P of this part.

(2) Be subject to inspection as specified under subpart Q of this part.

7. Section 493.20 is revised to read as follows:

§ 493.20 Laboratories performing tests of moderate complexity.

(a) A laboratory may qualify for a certificate to perform tests of moderate complexity provided that it restricts its test performance to waived tests or examinations and one or more tests or examinations meeting criteria for tests of moderate complexity including the subcategory of PPM procedures.

(b) A laboratory that performs tests or examinations of moderate complexity must meet the applicable requirements in subpart C or subpart D, and subparts F, H, J, K, M, P, and Q of this part. Under a registration certificate or certificate of compliance, laboratories also performing PPM procedures must meet the inspection requirements at § 493.1777.

(c) If the laboratory also performs waived tests, compliance with subparts H, J, K, M, and P of this part is not applicable to the waived tests. However, the laboratory must comply with the requirements in §§ 493.15(e) and 493.1775.

8. In § 493.25, paragraphs (c) and (d) are redesignated as (d) and (c), respectively, and paragraphs (b), (c) and (d) are revised to read as follows:

§ 493.25 Laboratories performing tests of high complexity.

* * * * *

(b) A laboratory performing one or more tests of high complexity must meet the applicable requirements of subpart C or subpart D, and subparts F, H, J, K, M, P, and Q of this part.

(c) If the laboratory also performs tests of moderate complexity, the applicable requirements of subparts H, J, K, M, P, and Q of this part must be met. Under a registration certificate or certificate of compliance, PPM procedures must meet the inspection requirements at § 493.1777.

(d) If the laboratory also performs waived tests, the requirements of subparts H, J, K, M, and P are not applicable to the waived tests. However, the laboratory must comply with the requirements in §§ 493.15(e) and 493.1775.

9. In § 493.35, paragraphs (a) and (d) are revised to read as follows:

§ 493.35 Application for a certificate of waiver.

(a) *Filing of application.* Except as specified in paragraph (b) of this section, a laboratory performing only one or more waived tests listed in § 493.15 must file a separate application for each laboratory location.

* * * * *

(d) *Access requirements.* Laboratories that perform one or more waived tests listed in § 493.15(c) and no other tests must meet the following conditions:

(1) Make records available and submit reports to HHS as HHS may reasonably require to determine compliance with this section and § 493.15(e);

(2) Agree to permit announced and unannounced inspections by HHS in accordance with subpart Q of this part under the following circumstances:

(i) When HHS has substantive reason to believe that the laboratory is being operated in a manner that constitutes an imminent and serious risk to human health.

(ii) To evaluate complaints from the public.

(iii) On a random basis to determine whether the laboratory is performing tests not listed in § 493.15.

(iv) To collect information regarding the appropriateness of waiver of tests listed in § 493.15.

* * * * *

10. In § 493.37, the introductory text of paragraph (b) is republished and paragraphs (b)(2) and (g) are revised to read as follows:

§ 493.37 Requirements for a certificate of waiver.

* * * * *

(b) Laboratories issued a certificate of waiver—

* * * * *

(2) Must permit announced or unannounced inspections by HHS in accordance with subpart Q of this part.

* * * * *

(g) A laboratory with a certificate of waiver that wishes to perform examinations or tests not listed in the waiver test category must meet the requirements set forth in subpart C or subpart D of this part, as applicable.

11. In § 493.39, the introductory paragraph is republished and paragraph (a) is revised to read as follows:

§ 493.39 Notification requirements for laboratories issued a certificate of waiver.

Laboratories performing one or more tests listed in § 493.15 and no others must notify HHS or its designee—

(a) Before performing and reporting results for any test or examination that is not specified under § 493.15 for which the laboratory does not have the appropriate certificate as required in subpart C or subpart D of this part, as applicable; and

* * * * *

12. The heading of subpart C is revised to read as follows:

Subpart C—Registration Certificate, Certificate for Provider-performed Microscopy Procedures, and Certificate of Compliance

13. In § 493.43, the heading and paragraph (a) are revised to read as follows:

§ 493.43 Application for registration certificate, certificate for provider-performed microscopy (PPM) procedures, and certificate of compliance.

(a) *Filing of application.* Except as specified in paragraph (b) of this section, all laboratories performing tests of moderate complexity (including the subcategory) or high complexity, or any combination of these tests, must file a separate application for each laboratory location.

* * * * *

14. In § 493.45, a new introductory paragraph is added, the introductory paragraph (a) is republished, paragraph (a)(3) is removed, and paragraphs (a)(1), (a)(2), (d), and (f) are revised to read as follows:

§ 493.45 Requirements for a registration certificate.

Laboratories performing only waived tests, PPM procedures, or any combination of these tests, are not required to obtain a registration certificate.

(a) A registration certificate is required—(1) Initially for all laboratories performing test procedures of moderate complexity (other than the subcategory of PPM procedures) or high complexity, or both; and

(2) For all laboratories that have been issued a certificate of waiver or certificate for PPM procedures that intend to perform tests of moderate or high complexity, or both, in addition to those tests listed in § 493.15(c) or specified as PPM procedures.

* * * * *

(d) In accordance with subpart R of this part, HHS will initiate suspension or revocation of a laboratory's registration certificate and will deny the laboratory's application for a certificate of compliance for failure to comply with the requirements set forth in this subpart. HHS may also impose certain alternative sanctions. In addition, failure to meet the requirements of this subpart will result in suspension of payments under Medicare and Medicaid as specified in subpart R of this part.

* * * * *

(f) In the event of a noncompliance determination resulting in an HHS denial of a laboratory's certificate of compliance application, HHS will provide the laboratory with a statement of grounds on which the noncompliance determination is based and offer an opportunity for appeal as provided in subpart R.

* * * * *

15. In § 493.47, the heading, paragraph (a), the introductory text of paragraphs (b) and (c), paragraph (c)(2), and paragraphs (d) and (e) are revised to read as follows:

§ 493.47 Requirements for a certificate for provider-performed microscopy (PPM) procedures.

(a) A certificate for PPM procedures is required—

(1) Initially for all laboratories performing test procedures specified as PPM procedures; and

(2) For all certificate of waiver laboratories that intend to perform only test procedures specified as PPM procedures in addition to those tests listed in § 493.15(c).

(b) HHS will issue a certificate for PPM procedures if the laboratory—

* * * * *

(c) Laboratories issued a certificate for PPM procedures are subject to—

* * * * *

(2) The applicable requirements of this subpart and subparts H, J, K, M, and P of this part; and

* * * * *

(d) In accordance with subpart R of this part, HHS will initiate suspension, limitation, or revocation of a laboratory's certificate for PPM procedures for failure to comply with the applicable requirements set forth in this subpart. HHS may also impose certain alternative sanctions. In addition, failure to meet the requirements of this subpart may result in suspension of all or part of payments under Medicare and Medicaid, as specified in subpart R of this part.

(e) A certificate for PPM procedures is valid for a period of no more than 2 years.

16. Section 493.49 is revised to read as follows:

§ 493.49 Requirements for a certificate of compliance.

A certificate of compliance may include any combination of tests categorized as high complexity or moderate complexity or listed in § 493.15(c) as waived tests. Moderate complexity tests may include those specified as PPM procedures.

(a) HHS will issue a certificate of compliance to a laboratory only if the laboratory—

(1) Meets the requirements of §§ 493.43 and 493.45;

(2) Remits the certificate fee specified in subpart F of this part; and

(3) Meets the applicable requirements of this subpart and subparts H, J, K, M, P, and Q of this part.

(b) Laboratories issued a certificate of compliance—

(1) Are subject to the notification requirements of § 493.51; and

(2) Must permit announced or unannounced inspections by HHS in accordance with subpart Q of this part—

(i) To determine compliance with the applicable requirements of this part;

(ii) To evaluate complaints;

(iii) When HHS has substantive reason to believe that tests are being performed, or the laboratory is being operated in a manner that constitutes an imminent and serious risk to human health; and

(iv) To collect information regarding the appropriateness of tests listed in § 493.15 or tests categorized as moderate complexity (including the subcategory) or high complexity.

(c) Failure to comply with the requirements of this subpart will result in—

(1) Suspension, revocation or limitation of a laboratory's certificate of compliance in accordance with subpart R of this part; and

(2) Suspension or denial of payments under Medicare and Medicaid in accordance with subpart R of this part.

(d) A certificate of compliance issued under this subpart is valid for no more than 2 years.

(e) In the event of a noncompliance determination resulting in an HHS action to revoke, suspend or limit the laboratory's certificate of compliance, HHS will—

(1) Provide the laboratory with a statement of grounds on which the determination of noncompliance is based; and

(2) Offer an opportunity for appeal as provided in subpart R of this part. If the laboratory requests a hearing within 60 days of the notice of sanction, it retains its certificate of compliance or reissued certificate of compliance until a decision is made by an administrative law judge (ALJ) as provided in subpart R of this part, except when HHS finds that conditions at the laboratory pose an imminent and serious risk to human health or when the criteria at § 493.1840(a) (4) and (5) are met.

(f) For laboratories receiving payment from the Medicare or Medicaid program, such payments will be suspended on the effective date specified in the notice to the laboratory of a noncompliance determination even if there has been no appeals decision issued.

(g) A laboratory seeking to renew its certificate of compliance must—

(1) Complete and return the renewal application to HHS 9 to 12 months prior to the expiration of the certificate of compliance; and

(2) Meet the requirements of § 493.43 and paragraphs (a)(2) and (b)(2) of this section.

(h) If HHS determines that the application for the renewal of a certificate of compliance must be denied or limited, HHS will notify the laboratory in writing of the—

(1) Basis for denial of the application; and

(2) Opportunity for appeal as provided in subpart R of this part.

(i) If the laboratory requests a hearing within the time period specified by HHS, the laboratory retains its certificate of compliance or reissued certificate of compliance until a decision is made by an ALJ as provided in subpart R, except when HHS finds that conditions at the laboratory pose an imminent and serious risk to human health.

(j) For laboratories receiving payment from the Medicare or Medicaid program, such payments will be suspended on the effective date specified in the notice to the laboratory of nonrenewal of the certificate of compliance even if there has been no appeals decision issued.

17. In § 493.51, the introductory paragraph of paragraph (a) is republished and the heading, the section's introductory paragraph and paragraphs (a)(5), (b) and (c) are revised to read as follows:

§ 493.51 Notification requirements for laboratories issued a certificate of compliance.

Laboratories issued a certificate of compliance must meet the following conditions:

(a) Notify HHS or its designee within 30 days of any change in—

* * * * *

(5) Technical supervisor (laboratories performing high complexity only).

(b) Notify HHS no later than 6 months after performing any test or examination within a specialty or subspecialty area that is not included on the laboratory's certificate of compliance, so that compliance with requirements can be determined.

(c) Notify HHS no later than 6 months after any deletions or changes in test methodologies for any test or examination included in a specialty or subspecialty, or both, for which the laboratory has been issued a certificate of compliance.

18. In § 493.53, the heading, the introductory paragraph, and paragraph (a) are revised to read as follows:

§ 493.53 Notification requirements for laboratories issued a certificate for provider-performed microscopy (PPM) procedures.

Laboratories issued a certificate for PPM procedures must notify HHS or its designee—

(a) Before performing and reporting results for any test of moderate or high complexity, or both, in addition to tests specified as PPM procedures or any test or examination that is not specified under § 493.15(c), for which it does not have a registration certificate as required in subpart C or subpart D, as applicable, of this part; and

* * * * *

19. The introductory text of § 493.55(a) is revised to read as follows:

§ 493.55 Application for registration certificate and certificate of accreditation.

(a) *Filing of application.* A laboratory may be issued a certificate of accreditation in lieu of the applicable certificate specified in subpart B or subpart C of this part provided the laboratory—

* * * * *

20. In § 493.57, the introductory paragraph and paragraph (b) are revised to read as follows:

§ 493.57 Requirements for a registration certificate.

A registration certificate is required for all laboratories seeking a certificate of accreditation, unless the laboratory holds a valid certificate of compliance issued by HHS.

* * * * *

(b)(1) The laboratory must provide HHS with proof of accreditation by an approved accreditation program—

(i) Within 11 months of issuance of the registration certificate; or

(ii) Prior to the expiration of the certificate of compliance.

(2) If such proof of accreditation is not supplied within this timeframe, the laboratory must meet, or continue to meet, the requirements of § 493.49.

* * * * *

21. In § 493.511, paragraph (h) is revised to read as follows:

§ 493.511 Removal of deeming authority and final determination review.

* * * * *

(h) After HCFA withdraws approval of an accreditation organization's deeming authority, the certificates of accreditation of all affected laboratories continue in effect for 60 days after the laboratory receives notification of the withdrawal of approval. HCFA may extend the period for an additional 60 days for a laboratory if it determines that the laboratory submitted an application for inspection to another approved accreditation organization or an application for the appropriate certificate to HCFA, the State agency, or other HCFA agent before the initial 60-day period ends.

* * * * *

22. Paragraph (j) of § 493.521 is revised to read as follows:

§ 493.521 Removal of CLIA exemption and final determination review.

* * * * *

(j) After HCFA withdraws approval of a State laboratory licensure program, the exempt status of licensed or approved laboratories in the State continues in effect for 60 days after the laboratory receives notification from the State of the withdrawal of HCFA's approval of the program. HCFA may extend this period for an additional 60 days for a laboratory if it determines that the laboratory submitted an application for accreditation to an approved accreditation organization or an application to HCFA for the appropriate certificate before the initial 60-day period ends.

* * * * *

23. Section 493.602 is revised to read as follows:

§ 493.602 Scope of subpart.

This subpart sets forth the methodology for determining the amount of the fees for issuing the appropriate certificate, and for determining compliance with the applicable standards of the Public Health Service Act (the PHS Act) and the Federal validation of accredited laboratories and of CLIA-exempt laboratories.

§§ 493.610, 493.614, 493.618, 493.622, 493.626, 493.629, 493.630, 493.631, 493.632, 493.633 and 493.634 [Removed]

24. Sections 493.610, 493.614, 493.618, 493.622, 493.626, 493.629, 493.630, 493.631, 493.632, 493.633 and 493.634 are removed.

25. Section 493.638 is revised to read as follows:

§ 493.638 Certificate fees.

(a) *Basic rule.* Laboratories must pay a fee for the issuance of a registration certificate, certificate for PPM procedures, certificate of waiver, certificate of accreditation, or a certificate of compliance, as applicable. Laboratories must also pay a fee to reapply for a certificate for PPM procedures, certificate of waiver, certificate of accreditation, or a certificate of compliance. The total of fees collected by HHS under the laboratory program must be sufficient to cover the general costs of administering the laboratory certification program under section 353 of the PHS Act.

(1) For registration certificates and certificates of compliance, the costs include issuing the certificates, collecting the fees, evaluating and monitoring proficiency testing programs, evaluating which procedures, tests or examinations meet the criteria for inclusion in the appropriate complexity category, and implementing section 353 of the PHS Act.

(2) For a certificate of waiver, the costs include issuing the certificate, collecting the fees, determining if a certificate of waiver should be issued, evaluating which tests qualify for inclusion in the waived category, and other direct administrative costs.

(3) For a certificate for PPM procedures, the costs include issuing the certificate, collecting the fees, determining if a certificate for PPM procedures should be issued, evaluating which procedures meet the criteria for inclusion in the subcategory of PPM procedures, and other direct administrative costs.

(4) For a certificate of accreditation, the costs include issuing the certificate, collecting the fees, evaluating the programs of accrediting bodies, and other direct administrative costs.

(b) *Fee amount.* The fee amount is set annually by HHS on a calendar year basis and is based on the category of test complexity, or on the category of test complexity and schedules or ranges of annual laboratory test volume (excluding waived tests and tests performed for quality control, quality assurance, and proficiency testing purposes) and specialties tested, with the amounts of the fees in each schedule being a function of the costs for all aspects of general administration of CLIA as set forth in § 493.649 (b) and (c). This fee is assessed and payable at least biennially. The methodology used to determine the amount of the fee is found in § 493.649. The amount of the fee applicable to the issuance of the registration certificate or the issuance or renewal of the certificate for PPM procedures, certificate of waiver, certificate of accreditation, or certificate of compliance is the amount in effect at the time the application is received. Upon receipt of an application for a certificate, HHS or its designee notifies the laboratory of the amount of the required fee for the requested certificate.

26. Section 493.639(b) is revised to read as follows:

§ 493.639 Fee for revised certificate.

* * * * *

(b) A laboratory must pay a fee to cover the cost of issuing a revised certificate in any of the following circumstances:

(1) The fee for issuing an appropriate revised certificate is based on the cost to issue the revised certificate to the laboratory as follows:

(i) If a laboratory with a certificate of waiver wishes to perform tests in addition to those listed in § 493.15(c) as waived tests, it must, as set forth in § 493.638, pay an additional fee for the appropriate certificate to cover the additional testing.

(ii) If a laboratory with a certificate for PPM procedures wishes to perform tests in addition to those specified as PPM procedures or listed in § 493.15(c) as waived tests, it must, as set forth in § 493.638, pay an additional fee for the appropriate certificate to cover the additional testing.

(2) A laboratory must pay a fee to cover the cost of issuing a revised certificate when—

(i) A laboratory changes its name, location, or its director; or

(ii) A laboratory deletes services or wishes to add services and requests that its certificate be changed. (An additional fee is also required under § 493.643(d) if it is necessary to determine compliance with additional requirements.)

27. In § 493.643, paragraphs (a) and (d) are revised to read as follows:

§ 493.643 Fee for determination of program compliance.

(a) *Fee requirement.* In addition to the fee required under § 493.638, a laboratory subject to routine inspections must pay a fee to cover the cost of determining program compliance. Laboratories issued a certificate for PPM procedures, certificate of waiver, or a certificate of accreditation are not subject to this fee for routine inspections.

* * * * *

(d) *Additional fees.* (1) If after a certificate of compliance is issued, a laboratory adds services and requests that its certificate be upgraded, the laboratory must pay an additional fee if, in order to determine compliance with additional requirements, it is necessary to conduct an inspection, evaluate personnel, or monitor proficiency testing performance. The additional fee is based on the actual resources and time necessary to perform the activities. HHS revokes the laboratory's certificate for failure to pay the compliance determination fee.

(2) If it is necessary to conduct a complaint investigation, impose sanctions, or conduct a hearing, HHS assesses the laboratory holding a certificate of compliance a fee to cover the cost of these activities. If a complaint investigation results in a complaint being unsubstantiated, or if an HHS adverse action is overturned at the conclusion of the administrative appeals process, the government's costs of these activities are not imposed upon the laboratory. Costs for these activities are based on the actual resources and time necessary to perform the activities and are not assessed until after the laboratory concedes the existence of deficiencies or an ALJ rules in favor of HHS. HHS revokes the laboratory's certificate of compliance for failure to pay the assessed costs.

28. Section 493.645 is revised to read as follows:

§ 493.645 Additional fee(s) applicable to approved State laboratory programs and laboratories issued a certificate of accreditation, certificate of waiver, or certificate for PPM procedures.

(a) *Approved State laboratory programs.* State laboratory programs approved by HHS are assessed a fee for the following:

(1) Costs of Federal inspections of laboratories in that State (that is, CLIA-exempt laboratories) to verify that

standards are being enforced in an appropriate manner.

(2) Costs incurred for investigations of complaints against the State's CLIA-exempt laboratories if the complaint is substantiated.

(3) Costs of the State's prorata share of general overhead to develop and implement CLIA.

(b) *Accredited laboratories.* (1) In addition to the certificate fee, a laboratory that is issued a certificate of accreditation is also assessed a fee to cover the cost of evaluating individual laboratories to determine overall whether an accreditation organization's standards and inspection policies are equivalent to the Federal program. All accredited laboratories share in the cost of these inspections. These costs are the same as those that are incurred when inspecting nonaccredited laboratories.

(2) If a laboratory issued a certificate of accreditation has been inspected and followup visits are necessary because of identified deficiencies, HHS assesses the laboratory a fee to cover the cost of these visits. The fee is based on the actual resources and time necessary to perform the followup visits. HHS revokes the laboratory's certificate of accreditation for failure to pay the assessed fee.

(c) If, in the case of a laboratory that has been issued a certificate of accreditation, certificate of waiver, or certificate for PPM procedures, it is necessary to conduct a complaint investigation, impose sanctions, or conduct a hearing, HHS assesses that laboratory a fee to cover the cost of these activities. Costs are based on the actual resources and time necessary to perform the activities and are not assessed until after the laboratory concedes the existence of deficiencies or an ALJ rules in favor of HHS. HHS revokes the laboratory's certificate for failure to pay the assessed costs. If a complaint investigation results in a complaint being unsubstantiated, or if an HHS adverse action is overturned at the conclusion of the administrative appeals process, the costs of these activities are not imposed upon the laboratory.

29. Section 493.646(a) is revised to read as follows:

§ 493.646 Payment of fees.

(a) Except for CLIA-exempt laboratories, all laboratories are notified in writing by HHS or its designee of the appropriate fee(s) and instructions for submitting the fee(s), including the due date for payment and where to make payment. The appropriate certificate is not issued until the applicable fees have been paid.

* * * * *

30. In § 493.649, paragraph (a) and the introductory paragraph of paragraph (b) are revised to read as follows:

§ 493.649 Methodology for determining fee amount.

(a) *General rule.* The amount of the fee in each schedule for compliance determination inspections is based on the average hourly rate (which includes the costs to perform the required activities and necessary administration costs) multiplied by the average number of hours required or, if activities are performed by more than one of the entities listed in paragraph (b) of this section, the sum of the products of the applicable hourly rates multiplied by the average number of hours required by the entity to perform the activity. The fee for issuance of the registration certificate or certificate of compliance is based on the laboratory's scope and volume of testing.

(b) *Determining average hourly rates used in fee schedules.* Three different entities perform activities related to the issuance or reissuance of any certificate. HHS determines the average hourly rates for the activities of each of these entities.

* * * * *

31. The heading of subpart H is revised to read as follows:

Subpart H—Participation in Proficiency Testing for Laboratories Performing Tests of Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

32. Section 493.803(a) is revised to read as follows:

§ 493.803 Condition: Successful participation.

(a) Each laboratory performing tests of moderate complexity (including the subcategory) and/or high complexity must successfully participate in a proficiency testing program approved by HCFA, if applicable, as described in subpart I of this part for each specialty, subspecialty, and analyte or test in which the laboratory is certified under CLIA.

* * * * *

33. The heading of § 493.807 is revised to read as follows:

§ 493.807 Condition: Reinstatement of laboratories performing tests of moderate complexity (including the subcategory), high complexity, or any combination of these tests, after failure to participate successfully.

* * * * *

34. The undesignated center heading immediately preceding § 493.821 is revised to read as follows:

Proficiency Testing by Specialty and Subspecialty for Laboratories Performing Tests of Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

35. The heading to subpart I is revised to read as follows:

Subpart I—Proficiency Testing Programs for Tests of Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

36. The heading for subpart J is revised to read as follows:

Subpart J—Patient Test Management for Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

37. Section 493.1101 is revised to read as follows:

§ 493.1101 Condition: Patient test management; moderate complexity (including the subcategory), or high complexity testing, or any combination of these tests.

Each laboratory performing moderate complexity (including the subcategory) or high complexity testing, or any combination of these tests, must employ and maintain a system that provides for proper patient preparation; proper specimen collection, identification, preservation, transportation, and processing; and accurate result reporting. This system must assure optimum patient specimen integrity and positive identification throughout the preanalytic (pre-testing), analytic (testing), and postanalytic (post-testing) processes and must meet the standards as they apply to the testing performed.

38. The heading to subpart K is revised to read as follows:

Subpart K—Quality Control for Tests of Moderate Complexity (Including the Subcategory), High Complexity, or Any Combination of These Tests

39. The heading to § 493.1201 is revised to read as follows:

§ 493.1201 Condition: General quality control; moderate complexity (including the subcategory) or high complexity testing, or any combination of these tests.

40. The heading to subpart M is revised to read as follows:

Subpart M—Personnel for Moderate Complexity (Including the Subcategory) and High Complexity Testing

41. New § 493.1351 is added to subpart M to read as follows:

§ 493.1351 General.

This subpart consists of the personnel requirements that must be met by laboratories performing moderate complexity testing, PPM procedures, high complexity testing, or any combination of these tests.

42. Following § 493.1351, a new undesignated center heading and new §§ 493.1353, 493.1355, 493.1357, 493.1359, 493.1361, 493.1363, and 493.1365 are added to subpart M to read as follows:

Laboratories Performing Provider-Performed Microscopy (PPM) Procedures

§ 493.1353 Scope.

In accordance with § 493.19(b), the moderate complexity procedures specified as PPM procedures are considered such only when personally performed by a health care provider during a patient visit in the context of a physical examination. PPM procedures are subject to the personnel requirements in §§ 493.1355 through 493.1365.

§ 493.1355 Condition: Laboratories performing PPM procedures; laboratory director.

The laboratory must have a director who meets the qualification requirements of § 493.1357 and provides overall management and direction in accordance with § 493.1359.

§ 493.1357 Standard; laboratory director qualifications.

The laboratory director must be qualified to manage and direct the laboratory personnel and the performance of PPM procedures as specified in § 493.19(c) and must be eligible to be an operator of a laboratory within the requirements of subpart R of this part.

(a) The laboratory director must possess a current license as a laboratory director issued by the State in which the laboratory is located, if the licensing is required.

(b) The laboratory director must meet one of the following requirements:

(1) Be a physician, as defined in § 493.2.

(2) Be a midlevel practitioner, as defined in § 493.2, authorized by a State to practice independently in the State in which the laboratory is located.

(3) Be a dentist, as defined in § 493.2.

§ 493.1359 Standard; PPM laboratory director responsibilities.

The laboratory director is responsible for the overall operation and administration of the laboratory, including the prompt, accurate, and proficient reporting of test results. The laboratory director must—

(a) Direct no more than five laboratories; and

(b) Ensure that any procedure listed under § 493.19(c)—

(1) Is personally performed by an individual who meets the qualification requirements in § 493.1363; and

(2) Is performed in accordance with applicable requirements in subparts H, J, K, M, and P of this part.

§ 493.1361 Condition: Laboratories performing PPM procedures; testing personnel.

The laboratory must have a sufficient number of individuals who meet the qualification requirements of § 493.1363 to perform the functions specified in § 493.1365 for the volume and complexity of testing performed.

§ 493.1363 Standard: PPM testing personnel qualifications.

Each individual performing PPM procedures must—

(a) Possess a current license issued by the State in which the laboratory is located if the licensing is required; and

(b) Meet one of the following requirements:

(1) Be a physician, as defined in § 493.2.

(2) Be a midlevel practitioner, as defined in § 493.2, under the supervision of a physician or in independent practice if authorized by the State in which the laboratory is located.

(3) Be a dentist as defined in § 493.2 of this part.

§ 493.1365 Standard; PPM testing personnel responsibilities.

The testing personnel are responsible for specimen processing, test performance, and for reporting test results. Any PPM procedure must be—

(a) Personally performed by one of the following practitioners:

(1) A physician during the patient's visit on a specimen obtained from his or her own patient or from a patient of a group medical practice of which the physician is a member or employee.

(2) A midlevel practitioner, under the supervision of a physician or in independent practice if authorized by the State in which the laboratory is located, during the patient's visit on a specimen obtained from his or her own patient or from the patient of a clinic, group medical practice, or other health care provider, in which the midlevel practitioner is a member or an employee.

(3) A dentist during the patient's visit on a specimen obtained from his or her own patient or from a patient of a group dental practice of which the dentist is a member or an employee; and

(b) Performed using a microscope limited to a brightfield or a phase/contrast microscope.

§ 493.1401 [Removed]

43. Section 493.1401 is removed.

44. In § 493.1461, the introductory text of paragraph (c) and paragraph (c)(2) is revised, and new paragraphs (c)(4) and (c)(5) are added to read as follows:

§ 493.1461 Standard; General supervisor qualifications.

* * * * *

(c) If the requirements of paragraph (b)(1) or paragraph (b)(2) of this section are not met, the individual functioning as the general supervisor must—

* * * * *

(2)(i) Qualify as testing personnel under § 493.1489(b)(2); and

(ii) Have at least 2 years of laboratory training or experience, or both, in high complexity testing; or

* * * * *

(4) On or before September 1, 1992, have served as a general supervisor of high complexity testing and as of April 24, 1995—

(i) Meet one of the following requirements:

(A) Have graduated from a medical laboratory or clinical laboratory training program approved or accredited by the Accrediting Bureau of Health Education Schools (ABHES), the Commission on Allied Health Education Accreditation (CAHEA), or other organization approved by HHS.

(B) Be a high school graduate or equivalent and have successfully completed an official U.S. military medical laboratory procedures course of at least 50 weeks duration and have held the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician).

(ii) Have at least 2 years of clinical laboratory training, or experience, or both, in high complexity testing; or

(5) On or before September 1, 1992, have served as a general supervisor of high complexity testing and—

(i) Be a high school graduate or equivalent; and

(ii) Have had at least 10 years of laboratory training or experience, or both, in high complexity testing, including at least 6 years of supervisory

experience between September 1, 1982 and September 1, 1992.

* * * * *

§ 493.1463 [Amended]

45. In § 493.1463, all references to ''§ 493.1489(b)(4)'' are amended to read ''§ 493.1489(b)(5).''

46. In § 493.1489, the introductory text to the section and to paragraph (b) are republished, paragraphs (b)(2) and (b)(4) through (b)(6) are revised, and paragraph (b)(7) is added to read as follows:

§ 493.1489 Standard; Testing personnel qualifications.

Each individual performing high complexity testing must—

* * * * *

(b) Meet one of the following requirements:

* * * * *

(2)(i) Have earned an associate degree in a laboratory science, or medical laboratory technology from an accredited institution or—

(ii) Have education and training equivalent to that specified in paragraph (b)(2)(i) of this section that includes—

(A) At least 60 semester hours, or equivalent, from an accredited institution that, at a minimum, include either—

(*1*) 24 semester hours of medical laboratory technology courses; or

(*2*) 24 semester hours of science courses that include—

(*i*) Six semester hours of chemistry;

(*ii*) Six semester hours of biology; and

(*iii*) Twelve semester hours of chemistry, biology, or medical laboratory technology in any combination; and

(B) Have laboratory training that includes either of the following:

(*1*) Completion of a clinical laboratory training program approved or accredited by the ABHES, the CAHEA, or other organization approved by HHS. (This training may be included in the 60 semester hours listed in paragraph (b)(2)(ii)(A) of this section.)

(*2*) At least 3 months documented laboratory training in each specialty in which the individual performs high complexity testing.

* * * * *

(4) On or before April 24, 1995 be a high school graduate or equivalent and have either—

(i) Graduated from a medical laboratory or clinical laboratory training program approved or accredited by ABHES, CAHEA, or other organization approved by HHS; or

(ii) Successfully completed an official U.S. military medical laboratory procedures training course of at least 50 weeks duration and have held the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician);

(5)(i) Until September 1, 1997—

(A) Have earned a high school diploma or equivalent; and

(B) Have documentation of training appropriate for the testing performed before analyzing patient specimens. Such training must ensure that the individual has—

(*1*) The skills required for proper specimen collection, including patient preparation, if applicable, labeling, handling, preservation or fixation, processing or preparation, transportation and storage of specimens;

(*2*) The skills required for implementing all standard laboratory procedures;

(*3*) The skills required for performing each test method and for proper instrument use;

(*4*) The skills required for performing preventive maintenance, troubleshooting, and calibration procedures related to each test performed;

(*5*) A working knowledge of reagent stability and storage;

(*6*) The skills required to implement the quality control policies and procedures of the laboratory;

(*7*) An awareness of the factors that influence test results; and

(*8*) The skills required to assess and verify the validity of patient test results through the evaluation of quality control values before reporting patient test results; and

(ii) As of September 1, 1997, be qualified under § 493.1489(b)(1), (b)(2), or (b)(4), except for those individuals qualified under paragraph (b)(5)(i) of this section who were performing high complexity testing on or before April 24, 1995;

(6) For blood gas analysis—

(i) Be qualified under § 493.1489(b)(1), (b)(2), (b)(3), (b)(4), or (b)(5);

(ii) Have earned a bachelor's degree in respiratory therapy or cardiovascular technology from an accredited institution; or

(iii) Have earned an associate degree related to pulmonary function from an accredited institution; or

(7) For histopathology, meet the qualifications of § 493.1449 (b) or (l) to perform tissue examinations.

§ 493.1495 [Amended]

47. In § 493.1495, all references to ''§ 493.1489(b)(4)'' are amended to read ''§ 493.1489(b)(5).''

48. The heading to subpart P is revised to read as follows:

Subpart P—Quality Assurance for Moderate Complexity (Including the Subcategory) or High Complexity Testing, or Any Combination of These Tests

49. Section 493.1701 is revised to read as follows:

§ 493.1701 Condition: Quality assurance; moderate complexity (including the subcategory) or high complexity testing, or any combination of these tests.

Each laboratory performing moderate complexity (including the subcategory) or high complexity testing, or any combination of these tests, must establish and follow written policies and procedures for a comprehensive quality assurance program that is designed to monitor and evaluate the ongoing and overall quality of the total testing process (preanalytic, analytic, postanalytic). The laboratory's quality assurance program must evaluate the effectiveness of its policies and procedures; identify and correct problems; assure the accurate, reliable and prompt reporting of test results; and assure the adequacy and competency of the staff. As necessary, the laboratory must revise policies and procedures based upon the results of those evaluations. The laboratory must meet the standards as they apply to the services offered, complexity of testing performed and test results reported, and the unique practices of each testing entity. All quality assurance activities must be documented.

50. In § 493.1776, the introductory text of paragraphs (a), (b), and (b)(4) are republished and the heading and paragraphs (a)(3), (a)(4), (b)(1), (b)(4)(iii) and (b)(4)(iv) are revised to read as follows:

§ 493.1776 Condition: Inspection of laboratories issued a certificate for PPM procedures.

(a) HHS or its designee will conduct announced or unannounced inspections of any laboratory at any time during its hours of operation to—

* * * * *

(3) Determine whether the laboratory is performing tests in addition to procedures specified as PPM procedures; and

(4) Collect information regarding the appropriateness of tests specified as PPM procedures.

(b) The laboratory may be required, as part of this inspection, to—(1) Permit HHS or its designee to interview all employees of the laboratory concerning the laboratory's compliance with the applicable requirements of part 493. Requirements for the purposes of this section are located in subpart C or

subpart D, if applicable, and subparts H, J, K, M, and P of this part;

* * * * *

(4) Permit HHS or its designee upon request to review all information and data necessary to—

* * * * *

(iii) Determine whether the laboratory is performing tests in addition to procedures specified as PPM procedures; (iv) Collect information regarding the appropriateness of tests specified as PPM procedures; and

* * * * *

51. In § 493.1777, introductory text to the section is added and the heading and paragraphs (a) and (g) are revised to read as follows:

§ 493.1777 Condition: Inspection of laboratories requesting or issued a certificate of compliance.

Laboratories requesting or issued a certificate of compliance must permit an inspection to assess compliance with part 493 of this chapter. Testing in the subcategory of PPM procedures, may be included in the laboratory's routine or complaint inspection. PPM procedures are assessed for compliance with only the applicable requirements specific to the subcategory of testing.

(a) HHS or its designee may conduct unannounced or announced inspections on at least a biennial basis of any laboratory at any time during its hours of operation. To assess compliance with the requirements of part 493, HHS will inspect a laboratory possessing a registration certificate before issuance of a certificate of compliance.

* * * * *

(g) Failure to permit an inspection under this subsection will result in the suspension of Medicare and Medicaid payments to the laboratory, or termination of the laboratory's participation in Medicare and Medicaid for payment, and suspension of or action to revoke the laboratory's CLIA certificate of compliance in accordance with subpart R of this part.

§ 493.1804 [Amended]

52. In § 493.1804(b)(2), the word ''ore'' is revised to read ''or''.

53. In § 493.1814, the introductory text of paragraph (b) is republished and paragraph (b)(3) is revised to read as follows:

§ 493.1814 Action when deficiencies are at the condition level but do not pose immediate jeopardy.

* * * * *

(b) *Failure to correct condition level deficiencies.* If HCFA imposes alternative sanctions for condition level deficiencies that do not pose immediate jeopardy, and the laboratory does not correct the condition level deficiencies within 12 months after the last day of inspection, HCFA—

* * * * *

(3) May impose (or continue, if already imposed) any alternative sanctions that do not pertain to Medicare payments. (Sanctions imposed under the authority of section 353 of the PHS Act may continue for more than 12 months from the last date of inspection, while a hearing on the proposed suspension, limitation, or revocation of the certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures is pending.)

* * * * *

54. In § 493.1834, the heading and introductory text of paragraph (f)(2) are republished and paragraphs (b) and (f)(2)(iii) are revised to read as follows:

§ 493.1834 Civil money penalty.

* * * * *

(b) *Scope.* This section sets forth the procedures that HCFA follows to impose a civil money penalty in lieu of, or in addition to, suspending, limiting, or revoking the certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures of a laboratory that is found to have condition level deficiencies.

* * * * *

(f) *Accrual and duration of penalty*—

* * * * *

(2) *Duration of penalty.* The civil money penalty continues to accrue until the earliest of the following occurs:

* * * * *

(iii) HCFA suspends, limits, or revokes the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures.

* * * * *

55. In § 493.1836, the heading of paragraph (c) is republished and paragraphs (c)(2) and (c)(3) are revised to read as follows:

§ 493.1836 State onsite monitoring.

* * * * *

(c) *Duration of sanction.*

* * * * *

(2) If the laboratory does not correct all deficiencies within 12 months, and a revisit indicates that deficiencies remain, HCFA cancels the laboratory's approval for Medicare payment for its services and notifies the laboratory of its intent to suspend, limit, or revoke the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures.

(3) If the laboratory still does not correct its deficiencies, the Medicare sanction continues until the suspension, limitation, or revocation of the laboratory's certificate of compliance, registration certificate, certificate of accreditation, or certificate for PPM procedures is effective.

56. In § 493.2001, paragraph (e) and paragraph (e)(1) are revised to read as follows:

§ 493.2001 Establishment and function of the Clinical Laboratory Improvement Advisory Committee.

* * * * *

(e) The Clinical Laboratory Improvement Advisory Committee or subcommittee, at the request of HHS, will review and make recommendations concerning:

(1) Criteria for categorizing tests and examinations of moderate complexity (including the subcategory) and high complexity;

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance; Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 23, 1994.

Philip R. Lee,

Assistant Secretary for Health.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: December 27, 1994.

Donna E. Shalala,

Secretary.

[FR Doc. 95–9953 Filed 4–21–95; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 93–179, FCC 95–133]

Price Cap Rules for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action is taken to incorporate explicitly the ''add-back'' adjustment into the local exchange carrier (LEC) price cap rules. The explicit add-back rule will first be applied when the LECs file their 1995 access tariffs. It is intended that the explicit add-back rule will ensure that

the LEC price cap plan operates as the Commission intended when it adopted the LEC price cap plan.

EFFECTIVE DATE: May 24, 1995.

FOR FURTHER INFORMATION CONTACT: Joanne F. Wall, (202) 418–1550.

SUPPLEMENTARY INFORMATION: On March 30, 1995, the Commission adopted a Report and Order in CC Docket No. 93–179 amending the Commission's LEC price cap rules. This order makes explicit the requirement that LECs must exclude the effects of sharing and low-end adjustments relating to the prior year before computing the earnings levels that determine required sharing or permitted low-end adjustments for the current year. The Commission found that this requirement, known as the ''add-back adjustment'' rule, is essential to ensure that the sharing and low-end adjustments of the LEC price cap plan achieve their intended purpose.

The full text of this item is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may be purchased from the Commission's duplicating contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements, Telegraph, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Part 61 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 61—TARIFFS

1. The authority citation continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205, and 403.

2. Section 61.3(e) is amended by adding a last sentence to read as follows:

§ 61.3 Definitions.

* * * * *

(e) * * * Base year or base period earnings shall not include amounts associated with exogenous adjustments to the PCI for the sharing or lower formula adjustment mechanisms.

* * * * *

[FR Doc. 95–10027 Filed 4–21–95; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–142; RM–8546]

Radio Broadcasting Services; Knoxville, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 287A to Knoxville, Illinois, as that community's first local aural service, at the request of John Pritchard, *See* 59 FR 64381, December 14, 1994. Channel 287A can be allotted to Knoxville in compliance with the Commission's minimum distance separation requirements without a site restriction. The coordinates for Channel 287A at Knoxville, Illinois, are North Latitude 40–54–30 and West Longitude 90–16–54. With this action, this proceeding is terminated.

DATES: Effective May 29, 1995. The window period for filing applications for Channel 287A at Knoxville, Illinois will open on May 29, 1995, and close on June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–142, adopted April 12, 1995, and released April 19, 1995. 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D. C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Knoxville, Channel 287A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–10026 Filed 4–21–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No.94–68; RM–8486]

Radio Broadcasting Services; Billings, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 286A to Billings, Montana, as that community's seventh FM broadcast service in response to a petition filed by Bruce L. Erickson. *See* 59 FR 35293, July 11, 1994. The coordinates for Channel 286A are 45–46–58 and 108–30–13. With this action this proceeding is terminated.

DATES: Effective May 29, 1995. The window period for filing applications for Channel 286A at Billings will open on May 29, 1995, and close on June 13, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* MM Docket No. 94–68, adopted April 12, 1995, and released April 19, 1995. 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, D.C. 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.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 286A at Billings.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–10025 Filed 4–21–95; 8:45 am]

BILLING CODE 6712–01–F

Proposed Rules

Federal Register
Vol. 60, No. 78
Monday, April 24, 1995

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 55 and 59

[Docket No. PY–93–001]

RIN 0581–AA58

Voluntary and Mandatory Egg and Egg Products Inspection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: A review of the regulations implementing the voluntary and mandatory egg and egg products inspection programs authorized by the Agricultural Marketing Act of 1946, as amended, and the Egg Products Inspection Act identified a number of changes which are proposed to clarify and update the subject regulations. The proposed revisions redefine dirty eggs; define nest-run eggs, washed ungraded eggs, egg products split samples, and recognized laboratories; and clarify the type of facilities and equipment to be supplied to the grader/inspector, scheduling operations, officially identifying products, appeal procedures, equipment requirements, sanitizing shell eggs prior to breaking, and general operating procedures. The revisions would also provide for less than quarterly visits to hatcheries and update the types of nonallowed discrimination in providing service.

DATES: Comments must be received on or before June 23, 1995.

ADDRESSES: Send written comments, in duplicate, to Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, Room 3944–South, P.O. Box 96456, Washington, DC 20090–6456. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Eastern Time, Monday through Friday, except holidays. State that your comments refer to Docket No. PY–93–001.

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Chief, Grading Branch, 202/720–3271.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for purpose of Executive Order 12866 and therefore has not been reviewed by OMB.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would 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.

The AMS Administrator has determined that these proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the proposed changes are primarily to remove obsolete material, correct erroneous wording and otherwise clarify, update, and simplify the regulations. Further, the revisions reflect sound manufacturing practices currently in use by most segments of industry and impose no major new requirements.

The information collection requirements contained in 7 CFR parts 55 and 59 have been approved by the Office of Management and Budget and assigned OMB Control Numbers 0581–0146 and 0581–0113, respectively, under the Paperwork Reduction Act of 1980.

Background

The proposed rule encompasses amendments for two separate, but related regulations. Regulations for voluntary inspection of egg products and grading (7 CFR part 55) are authorized by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627). These regulations cover several types of inspection and grading activities and product identification or certification which are not covered by the mandatory inspection regulations. Regulations for the mandatory inspection of eggs and egg products (7 CFR part 59) are authorized by the Egg Products Inspection Act. (21 U.S.C. 1034). The regulations require and provide for the continuous inspection of the processing of egg products and the control and disposition of restricted eggs. The Act and regulations were designed to provide a safe food source for the consuming public. The proposed amendments for both regulations serve to clarify and update provisions commensurate with changes in industry technology and marketing practices, or are editorial in nature.

Proposed Changes

For the voluntary inspection program, the proposal would update the types of prohibited discrimination (§ 55.11). It would specify the facilities and equipment to be provided for sampling, weighing, and examination of product and the office space and equipment to be furnished (§ 55.95). Alternative work schedules also would be provided (§ 55.96). The proposal would provide for application of the official plant number at alternative locations on official labels (§ 55.310) and specify the permitted disposition of labels and packaging materials bearing official identification when inspection service is terminated by USDA (§ 55.330). The proposed revision also would clarify appeal gradings and inspections including certificate issuance (§ 55.410 through § 55.460).

For the mandatory inspection program, the proposal would redefine dirty eggs by deleting the term prominent stains. The proposal would also define nest-run eggs, washed ungraded eggs, egg products split samples, and recognized laboratories. (§ 59.5). It also would update the types of nonallowed discrimination (§ 59.17). The proposal would provide a minimum of one visit each fiscal year to hatcheries since present operating practices pose minimal risk of incubator reject eggs or other restricted eggs entering consumer channels (§ 59.28). In official egg products plants, it would define or specify the following: time of inspection, schedule of operation, basis of billing, the type of facilities and equipment to be furnished by the plant, application for continuous inspection and the requirements for blueprints, changes and approval (§§ 59.122 through 59.146). The proposal would clarify the conditions under which labeling of product is to be corrected in the appeal procedure (§§ 59.300 through 59.360). It also would clarify the

labeling requirements with regard to approval, format, terminology, identification, and disposition (§§ 59.411 through 59.417). In addition, the proposal expands on equipment requirements and general plant operational procedures, including the shipment of nondenatured inedible, use of approved compounds, candling and transfer room facilities and equipment and egg sanitizing requirements (§§ 59.502 through 59.515) due to changes in industry technology. Provisions are also proposed for liquid egg cooling and frozen egg defrosting with a definition of ''cold tap water'' (§§ 59.530 through 59.539). The disposition of restricted eggs and the labeling and sale of nest-run and washed ungraded eggs are further defined (§§ 59.720 through 59.801). The section dealing with imported shell eggs and egg products would be revised to require that the date of production be provided for shell eggs, to exempt certain shell eggs imported for breaking from primary container labeling requirements, and to clarify the provisions for relabeling imported egg products. (§§ 59.900 through 59.956).

List of Subjects

7 CFR Part 55

Eggs and egg products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

7 CFR Part 59

Eggs and egg products, Exports, Food grades and standards, Food labeling, Imports, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, title 7, Code of Federal Regulations, parts 55 and 59 are amended as follows:

PART 55—REGULATIONS GOVERNING THE VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING.

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

Authority: 7 U.S.C. 1621–1627.

§ 55.11 [Amended]

2. Section 55.11 is amended by removing the words ''or national origin'' and adding in its place ''national origin, age or disability''.

3. Section 55.95 is revised to read as follows:

§ 55.95 Facilities and equipment to be furnished for use of graders and inspectors in performing service on a resident inspection basis.

(a) Facilities and equipment for proper sampling, weighing, examination of products and monitoring processing procedures shall be furnished by the official plant for use by inspectors and graders. Such facilities and equipment shall include but not be limited to a room or area suitable for sampling product, and acceptable candling light, flashlight, heavy duty, high speed drill with an eleven sixteenths-inch or larger bit of sufficient length to reach the bottom of containers used for frozen eggs, metal stem thermometer(s), test thermometer(s), stop watch, test weighing scale(s) and test weight(s), test kit for determining the bactericidal strength of sanitizing solutions, and stationary or adequately secured storage box or cage (capable of being locked only by the inspector) for holding official samples.

(b) Acceptable furnished office space and equipment, including but not being limited to, a desk, lockers or cabinets (equipped with a satisfactory locking device) suitable for the protection and storage of supplies, and with facilities for inspectors and graders to change clothing.

4. Section 55.96 is amended by adding a sentence before the last sentence and revising the last sentence of the section to read as follows:

§ 55.96 Schedule of operation of official plants.

* * * As an alternative, the normal operating schedule shall consist of a continuous 10-hour period per day (excluding not to exceed 1 hour for lunch), 4 consecutive days per week, within the administrative workweek, Sunday through Saturday for each full shift required. Graders are to be given reasonable advance notice by management of any change in the hours that grading service is requested.

5. In § 55.310, paragraph (b) is revised to read as follows:

§ 55.310 Form of official identification symbol and inspection mark.

* * * * *

(b) The inspection marks which are permitted to be used on products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be preceded by the letter ''P'' in lieu of the word ''plant''. Alternatively, it may be omitted from the official shield if applied on the container's principal display panel or other prominent location and preceded by the letter ''P'' or the word ''Plant''.

6. In § 55.330, paragraph (c) is revised to read as follows:

§ 55.330 Unauthorized use or disposition of approved labels.

* * * * *

(c) Upon termination of inspection service in an official plant pursuant to the regulations in this part, all labels or packaging material bearing official identification to be used to identify product packed by the plant shall either be destroyed, or have the official identification completely obliterated under the supervision of a USDA representative, or, if to be used at another location, modified in a manner acceptable to the Service.

7. In § 55.410, paragraph (b) is amended by removing the words ''in the regional office'' and adding in its place ''with the Regional Director in the region'', and revising the heading of paragraph (a) to read as follows:

§ 55.410 Where to file an appeal.

(a) *Appeal of resident grader's or inspector's grading or decision in an official plant.* * * *

8. Section 55.420 is revised to read as follows:

§ 55.420 How to file an appeal.

The request for an appeal grading or inspection or review of a grader's or inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the identity of the product, the decision which is questioned, and the reason(s) for requesting the appeal service. If such appeal request is based on the results stated on an official certificate, the original and all copies of the certificate available at the appeal grading or inspection site shall be provided to the appeal grader or inspector assigned to make the appeal grading or inspection.

§ 55.430 [Amended]

9. Section 55.430 is amended by adding after the words ''or not substantial,'' the words ''class, quality, quantity,'' and removing the word ''such'' after the words ''reason(s) for''.

10. Section 55.450 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) and adding a new paragraph (a) to read as follows:

§ 55.450 Procedures for selecting appeal samples.

(a) *Prohibition on movement of product.* Products shall not have been moved from the place where the grading or inspection being appealed was performed and must have been maintained under adequate refrigeration, when applicable.

* * * * *

11. In § 55.460, the last sentence is revised to read as follows:

§ 55.460 Appeal certificates.

* * * When the appeal grader or inspector assigns a different class to the lot or determines that a net weight shortage exists, the lot shall be retained pending correction of the labeling or approval of the product disposition by the National Supervisor.

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

12. The authority citation for part 59 continues to read as follows:

Authority: 21 U.S.C. 1031–1056.

13. Section 59.5 is amended by revising the definition for the term ''Dirty egg'' or ''Dirties''; adding alphabetically four new terms; and by removing the word ''salmonella'' and adding the word ''Salmonella'' in its place everywhere it appears in the part.

§ 59.5 Terms defined.

* * * * *

Dirty egg or *Dirties* means an egg(s) that has an unbroken shell with adhering dirt or foreign material.

* * * * *

Nest-run eggs means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some checks, dirties, or other obvious undergrades may have been removed.

* * * * *

Recognized Laboratory means a non-Federal laboratory which, upon review, meets the requirements established by USDA for analysis of egg products for the presence of Salmonella.

* * * * *

Split sample means an official sample of a pasteurized egg product collected by an inspector and divided into duplicate portions. One portion is to be analyzed for the presence of Salmonella by a recognized laboratory (for surveillance purposes) and the other portion by an AMS laboratory for comparative purposes.

* * * * *

Washed ungraded eggs means eggs which have been washed but not sized or segregated for quality.

* * * * *

§ 59.17 [Amended]

14. Section 59.17 is amended by removing the words ''or national origin'' and adding in its place ''national origin, age, or disability''.

15. Section 59.28(a)(1) is amended by revising the last sentence and adding an additional sentence, to read as follows:

§ 59.28 Other inspections.

(a) * * *

(1) * * * In the case of shell egg packers packing eggs for the ultimate consumer (i.e., packed for direct use of household consumers, restaurants, institutions, etc.), such inspections shall be made a minimum of once each calendar quarter. Hatcheries are to be inspected a minimum of once each fiscal year.

16. Section 59.122 is revised to read as follows:

§ 59.122 Time of inspection.

The inspector who is to perform the inspection in an official plant shall be given reasonable advance notice by plant management of the hours when such inspection will be required.

17. Section 59.124 is amended by adding a sentence at the end of the section to read as follows:

§ 59.124 Schedule of operation of official plants.

* * * As an alternative, the normal operating schedule shall consist of a continuous 10-hour period per day (excluding not to exceed 1 hour for lunch), 4 consecutive days per week, within the administrative workweek, Sunday through Saturday for each full shift required.

18. Section 59.130 is amended by adding two sentences at the end of the section to read as follows:

§ 59.130 Basis of billing plants.

* * * In addition, fees will be charged and collected for certifications requested by and provided for the official plant that are not within the scope of these regulations. Unless otherwise provided in this part, the fees to be charged and collected for any service performed (other than an appeal) shall be based on the applicable rates specified in the Regulations Governing the Voluntary Inspection of Egg Products and Grading (7 CFR 55.510 through 55.560).

19. In § 59.136, paragraph (a) is revised to read as follows:

§ 59.136 Facilities and equipment to be furnished by official plants for use of inspectors in performing service.

(a) Such facilities and equipment shall include but not be limited to a room or area suitable for sampling product, and acceptable: candling light, flashlight, heavy duty, high speed drill with an eleven sixteenths-inch or larger bit of sufficient length to reach the bottom of containers used for frozen eggs, metal stem thermometer(s), test thermometer(s), stop watch, test weighing scale(s) and test weight(s), test kit for determining the bactericidal strength of sanitizing solutions, and stationary or adequately secured storage box or cage (capable of being locked) for holding official samples.

* * * * *

20. Section 59.146 is amended by redesignating paragraph (d) as paragraph (e) and paragraph (e) as paragraph (d), revising paragraphs (b)(1), (b)(2), (b)(7), (c), newly redesignated (d) and (e) to read as follows, and removing paragraph (b)(8):

§ 59.146 Application for continuous inspection in official plants; approval.

* * * * *

(b) * * *

(1) Applicants may obtain information or assistance from the applicable Regional Director as to the requirements before submitting blueprint drawings, specifications, and supplemental information.

(2) Four copies of each blueprint drawing, as specified in this section of the complete floor plan, plot plan, supplemental information, and specifications shall be submitted. Sheet size of the print shall not exceed 34 by 44 inches, the wording shall be legible, all lines sharp and clear, and properly drawn to scale. Each print shall show the scale used, north point of the compass, and the firm name, street, city, state, and zip code or an accurate description of the location.

* * * * *

(7) Supplemental information may be shown as notations on the blueprint drawings or on supplemental sheets. Supplemental information shall include clarifying information such as sequence of processing edible products, handling of inedible product, shell disposal, handling of packaging material, liquid pumping systems, cleaned-in-place systems, description of pasteurizer, description of drier, type and efficiency of air filtration, hot water facilities, sewage disposal, and such other notations as may be required. Specification sheets shall indicate height of ceilings and type construction, type of floor and wall construction, wall and partition material, that floor/wall junctions are coved, when applicable, and number of employees who will use each toilet room and facilities.

(c) Upon approval of the blueprints, supplemental information, and specifications, the application for service may be approved.

(d) Final survey and plant approval: Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the supervisory egg products inspector to determine if the plant is constructed and facilities are installed in accordance

with the approved blueprints and these regulations. The plant may be approved only when these requirements have been met.

(e) Changes and revisions of official plant: When changes are planned in official plant construction, facilities, and equipment covered by previously approved prints, a completely revised blueprint(s) showing proposed alterations and additions or an overlay print drawn to the same scale as the print to be modified or revised is required. Blueprints as specified shall be submitted prior to beginning new construction or alteration of existing facilities. A final survey of the completed alterations and additions shall be made by the supervisory egg products inspector to determine if the changes are in accordance with approved drawings and the regulations.

§ 59.155 [Amended]

21. Section 59.155 is amended by removing the last sentence of the section.

§ 59.300 [Amended]

22. Section 59.300 is amended by adding immediately after the word ''class'' the word '', quantity,''.

§ 59.310 [Amended]

23. In § 59.310, paragraph (a) is amended by removing the word ''from'' in the heading and replacing it with the word ''of'', and in the first sentence, adding a comma followed by the word ''quantity,'' immediately after the words ''determination of the class'', and adding a comma immediately after the words ''left such plant''.

24. Section 59.320 is revised to read as follows:

§ 59.320 How to file an appeal.

The request for an appeal inspection or review of an inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the identity of the product, the decision which is questioned, and the reason(s) for requesting the appeal service. If such appeal request is based on the results stated on an official certificate, the original and all copies of the certificate available at the appeal inspection site shall be provided to the inspector assigned to make the appeal inspection.

25. A new § 59.330 is added to read as follows:

§ 59.330 When an application for an appeal grading or inspection may be refused.

When it appears to the official with whom an appeal request is filed that the reasons given in the request are frivolous or not substantial, or that the condition of the product has undergone a material change since the original grading or inspection, or that the original lot has changed in some manner, or the Act or the regulations in this part have not been complied with, the applicant's request for the appeal inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

26. Section 59.350 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) and adding a new paragraph (a) to read as follows:

§ 59.350 Procedures for selecting appeal samples.

(a) *Prohibition on movement of product.* Products shall not have been moved from the place where the inspection being appealed was performed and must have been maintained under adequate refrigeration when applicable.

* * * * *

27. Section 59.360 is amended by revising the last sentence to read as follows:

§ 59.360 Appeal inspection certificates.

* * * When the appeal inspector assigns a different class to the lot or determines that a net weight shortage exists, the lot shall be retained pending correction of the labeling or approval of the product disposition by the National Supervisor.

28. Section 59.411 is amended by revising (b)(1) and (c)(3), revising the first sentence of (c)(1) and (e), and revising the last sentence of (e)(3) to read as follows:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

* * * * *

(b) * * *

(1) A statement showing by their common or usual names the kinds and percentages of the ingredients comprising the egg product. A range may be given in cases where the percentages may vary from time to time. Formulas are to be expressed in terms of a liquid product except for products which are dry blended. Also, for products to be dried, the label may show the ingredients in the order of descending proportions by weight in the dried form. However, the formula submitted must include the percentage of ingredients in both liquid and dried form.

* * * * *

(c) * * *

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions by weight in the form in which the product is to be marketed (sold), except that ingredients in dried products (other than dry blended) may be listed in either liquid or dried form. * * *

* * * * *

(3) The lot number or approved alternative code number indicating date of production;

* * * * *

(e) Nutrition information may be included on labels used to identify egg products, providing such labeling complies with the provisions of 21 CFR part 101, promulgated under the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. * * *

* * * * *

(3) * * * All labels showing nutrition information or claims are subject to review by the Food and Drug Administration prior to approval by the Department.

* * * * *

29. In § 59.412, paragraph (b) is revised to read as follows:

§ 59.412 Form of official identification symbol and inspection mark.

* * * * *

(b) The inspection mark which is to be used on containers of edible egg products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be preceded by the letter ''P'' in lieu of the word ''plant''. Alternatively, it may be omitted from the official shield if applied on the container's principal display panel or other prominent location and preceded by the letter ''P'' or the word ''Plant''.

* * * * *

30. Section 59.415 is amended by revising the second sentence to read as follows:

§ 59.415 Use of other official identification.

* * * The plant number may be omitted from the identification if applied elsewhere on the container's principal display panel or other prominent location and preceded by the letter ''P'' or the word ''plant''. * * *

31. In § 59.417, paragraph (c) is revised to read as follows:

§ 59.417 Unauthorized use or disposition of approved labels.

* * * * *

(c) Upon termination of inspection service in an official plant pursuant to these regulations, all labels or packaging materials indicating product packed by

the plant which bear official identification shall either be destroyed under the supervision of the Service or, if used in another location, modified in a manner acceptable to the Service before use.

32. In § 59.502, paragraph (b) is revised to read as follows:

§ 59.502 Equipment and utensils; PCB-containing equipment.

* * * * *

(b) Except as authorized by the Administrator, in new or remodeled equipment and equipment installations, the equipment and installation shall comply with the applicable 3–A or E–3–A Sanitary Standards and accepted practices currently in effect for such equipment.

* * * * *

33. In § 59.504, the last sentence of paragraph (c) and paragraph (h) are revised to read as follows:

§ 59.504 General operating procedures.

* * * * *

(c) * * * In addition, product shipped from the official plant for industrial use or animal food need not be denatured or decharacterized, provided, that such product is properly packaged, labeled, segregated, and inventory controls are maintained, and that such product is shipped under Government seal and certificate and received at the destination location by an inspector or grader as defined in this part.

* * * * *

(h) Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the eggs or egg products when used in an approved manner and which have been approved by the Administrator, may be used in an official plant. The identification, storage, and use of such compounds shall be in a manner approved by the Administrator.

* * * * *

34. In § 59.506, paragraph (d) is revised to read as follows:

§ 59.506 Candling and transfer-room facilities and equipment.

* * * * *

(d) Candling devices of an approved type shall be provided to enable candlers to detect loss, inedible, dirty eggs, and eggs other than chicken eggs.

* * * * *

35. Section 59.515 is amended by removing the last sentence of paragraph (a)(8), removing paragraph (a)(9), redesignating paragraph (b) as paragraph (a)(9), removing paragraph (c), and reserving paragraph (b).

36. A new § 59.516 is added to read as follows:

§ 59.516 Sanitizing and drying of shell eggs prior to breaking.

(a) Immediately prior to breaking, all shell eggs shall be spray rinsed with potable water containing an approved sanitizer of not less than 100 ppm nor more than 200 ppm of available chlorine or its equivalent. Alternative procedures may be approved by the Administrator in lieu of sanitizing shell eggs washed in the plant.

(b) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product from free moisture on the shell.

37. In § 59.530, paragraph (g) is added to read as follows:

§ 59.530 Liquid egg cooling.

* * * * *

(g) Previously frozen egg or egg product cannot be added to liquid product for the purpose of complying with liquid cooling requirements.

38. In § 59.539, paragraph (d)(1) is revised to read as follows:

§ 59.539 Defrosting operations.

* * * * *

(d) * * *

(1) Frozen eggs packed in metal or plastic containers may be placed in running tap water (70 F° or lower) without submersion to speed defrosting.

* * * * *

39. Section 59.580 is amended by revising the last sentence of paragraph (b), revising paragraphs (c) and (d), and adding a new paragraph (e) to read as follows:

§ 59.580 Laboratory tests and analyses.

* * * * *

(b) * * * Samples of pasteurized egg products and heat treated dried egg whites shall be drawn from the final packaged form, in accordance with the approved sampling plan for the plant, and submitted for analysis to a laboratory recognized by USDA under its Laboratory Recognition Program.

(c) Results of all analyses and tests performed under paragraphs (a) and (b) of this section shall be provided to the inspector promptly upon receipt by the plant. If samples of pasteurized products or heat treated dried egg whites, in addition to those described in paragraphs (a) and (b) of this section, are analyzed for the presence of Salmonella, the plant shall immediately advise the inspector of any such samples which are determined to be Salmonella positive.

(d) USDA will draw split samples and submit a percentage of such samples to a USDA laboratory for Salmonella analysis at USDA's expense. The results of split samples analyzed by the recognized laboratory shall correlate with those of the USDA laboratory, in accordance with requirements specified in the Laboratory Recognition Program.

(e) USDA will periodically draw confirmation samples and submit them to a USDA laboratory for analysis at USDA's expense to determine the accuracy of the plant's tests and analyses under paragraph (a) of this section. USDA may also draw additional samples for Salmonella analysis at a USDA laboratory at USDA's expense.

40. In § 59.720, paragraphs (a)(1) and (b) are revised to read as follows:

§ 59.720 Disposition of restricted eggs.

(a) * * *

(1) Checks and dirties shall be labeled in accordance with § 59.800 and shipped directly or indirectly to an official egg products plant for segregation and processing. Inedible and loss eggs shall not be intermingled in the same container with checks and dirties.

* * * * *

(b) Eggs which are packed for the ultimate consumer and which have been found to exceed the tolerance for restricted eggs permitted in the official standards for U.S. Consumer Grade B shall be identified as required in §§ 59.800 and 59.860 and shall be shipped directly or indirectly:

(1) To an official egg products plant for proper segregation and processing; or

(2) Be regraded so that they comply with the official standards; or

(3) Used as other than human food.

* * * * *

41. Section 59.800 is amended by revising the next to last sentence to read as follows:

§ 59.800 Identification of restricted eggs.

* * * When eggs are packed in immediate containers, e.g., cartons, sleeve packs, overwrapped 2½- or 3-dozen packs, etc., for sale to household consumers under the exemptions provided for in § 59.100 (c), or (f), they shall be deemed to be satisfactorily identified in accordance with the requirements of this part if such immediate containers bear the packer's name and address and the quality of the eggs. * * *

42. In § 59.801, the section heading and first sentence are revised to read as follows:

§ 59.801 Nest run or washed ungraded eggs.

Nest run or washed ungraded eggs are exempt from the labeling provisions in

§ 59.800. However, when such eggs are packed and sold to consumers, they may not exceed the tolerance for restricted eggs permitted in the official standards for U.S. Consumer Grade B shell eggs.* * *

43. In § 59.905, paragraph (a) is revised to read as follows:

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.

(a) No containers of restricted egg(s) other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin of the exporter, and the date of pack and quality of the eggs (e.g., checks, or dirties) preceded by the word ''Imported'' or the statement ''Imported Restricted Eggs—For Processing Only In An Official USDA Plant,'' or ''Restricted Eggs—Not To Be Used As Human Food.'' Alternatively, for properly sealed and certified shipments of shell eggs imported for breaking at an official egg product plant, the shipping containers need not be labeled, provided that the shipment is segregated and controlled upon arrival at the destination breaking plant. Such identification shall be legible and conspicuous.

* * * * *

§ 59.915 [Amended]

44. In § 59.915, paragraph (b)(8) is amended by adding after the words ''shell egg'' the words '', including date of pack,''.

§ 59.940 [Amended]

45. In § 59.940, the last sentence is removed.

46. In § 59.945, paragraph (b) is revised to read as follows:

§ 59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.

* * * * *

(b) Consignees shall, at their own expense, return immediately to the collector of customs, in means of conveyance or packages sealed by the U.S. Department of Agriculture, any eggs or egg products received by them under this part which in any respect do not comply with this part.

47. Section 59.950 is amended by revising paragraphs (a)(3) and (a)(8), redesignating paragraph (b) as (c), and adding a new paragraph (b) to read as follows:

§ 59.950 Labeling of containers of eggs or egg products for importation.

(a) * * * (3) the quality or description of shell eggs, including date of pack; * * * (8) the date of production and plant number of the plant at which the egg product was processed and/or packed.

(b) For properly sealed and certified shipments of shell eggs imported for breaking at an official egg products plant, the immediate containers need not be labeled, provided that the shipment is segregated and controlled upon arrival at the destination breaking plant.

* * * * *

48. Section 59.955 is amended by redesignating paragraph (b) as (c) and adding a new paragraph (b) to read as follows:

§ 59.955 Labeling of shipping containers of eggs or egg products for importation.

* * * * *

(b) For properly sealed and certified shipments of shell eggs imported for breaking at an official egg products plant, the shipping containers need not be labeled, provided that the shipment is segregated and controlled upon arrival at the destination breaking plant.

49. A new § 59.956 is added to read as follows:

§ 59.956 Relabeling of imported egg products.

(a) Egg products eligible for importation may be relabeled with an approved label under the supervision of an inspector at an official egg products plant or other location. The new label for such product shall indicate the country of origin except for products which are reprocessed (repasteurized, or in the case of dried products, dry blended with products produced in the United States) in an official egg products plant.

(b) The label for relabeled products must state the name, address, and zip code of the distributor, qualified by an appropriate term such as ''packed for'', ''distributed by'' or ''distributors''.

Dated: April 17, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–9974 Filed 4–21–95; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 906 and 944

[Docket No. FV–95–906–1PR]

Oranges Grown in the Lower Rio Grande Valley in Texas and Imported Oranges; Proposed Suspension of Regulations for Domestic and Imported Oranges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend, for the period July 1 through August 31, the handling regulations for oranges grown in the Lower Rio Grande Valley in Texas and the orange import regulations. Currently, the effective period for both domestic and imported oranges is January 1 through December 31 of each year. The purpose of the proposed suspension is to remove unnecessary handling regulations applicable to shipments of Texas oranges for the two month period July and August. The proposed suspension of regulations applicable to imported oranges is necessary under section 8e of the amended Agricultural Marketing Agreement Act of 1937.

DATES: Comments must be received by May 15, 1995.

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

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: 202–720–2431; or Belinda G. Garza, McAllen Marketing Field Office, USDA/AMS, 1313 East Hackberry, McAllen, TX 78501; telephone: 210–682–2833.

SUPPLEMENTARY INFORMATION: This proposed suspension is issued under Marketing Agreement and Order No. 906 (7 CFR Part 906) regulating the handling of oranges and grapefruit

grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the order. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This proposed suspension is also issued pursuant to section 8e of the Act, which requires the Secretary of Agriculture to issue grade, size, quality, or maturity requirements for certain listed commodities imported into the United States that are the same as, or comparable to, those imposed upon the domestic commodities under Federal marketing orders.

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

This proposed suspension has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed suspension is not intended to have retroactive effect. This action would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this proposed suspension.

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

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

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

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

There are approximately 15 handlers of oranges and grapefruit regulated under the marketing order each season and approximately 750 orange and grapefruit producers in South Texas. In addition, there are approximately 20 importers of oranges subject to the requirements of the orange import requirements. Small agricultural service firms, which include handlers and importers, have been defined by the Small Business Administration (13 CFR § 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. The majority of these handlers, producers, and importers may be classified as small entities.

Under the marketing order, oranges grown in the Lower Rio Grande Valley in Texas are currently subject to a minimum grade requirement of U.S. No. 2 and a minimum size requirement of 2 6/16 inches in diameter. These requirements are in effect throughout the year on a continuous basis. The grade and size requirements for oranges grown in the Lower Rio Grande Valley in Texas are found in § 906.365 (7 CFR part 906) under the order. In addition, there are container and pack requirements found in § 906.340.

The Texas Valley Citrus Committee (Committee), the agency responsible for local administration of the order, meets prior to and during each season to review the handling regulations effective on a continuous basis for oranges regulated under the order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews Committee recommendations and information, as well as information from other sources, and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

The Committee met on March 9, 1995, and recommended by a 14 to 1 vote to relax the effective dates of the regulatory period for oranges from continuous to July 15 through August 31, 1995, for one year. Committee members limited the relaxation to one year because of concerns about imported oranges being in commercial channels after August 31, and the need to study the impact of such a change. The Committee acknowledged that the Texas orange requirements only need to be in effect when there are shipments of Texas oranges.

The Committee member who voted in opposition to the recommended change expressed concern about the potential impact imported oranges could have on the marketing of Texas oranges if substandard imports are in commercial channels when the Texas orange shipping season begins. However, this rule proposes that the quality and size regulations for both Texas and imported oranges be in effect when the Texas shipping season begins and all fruit handled during the Texas shipping season would be subject to those requirements.

According to the Committee, Texas orange shipments typically begin in mid to late September and end in mid to late June. The Texas citrus industry has been in a vigorous recovery since the freeze of 1989. Prior to the freeze, shipments of oranges during the 1986/87 season totaled 1,334,548 cartons, shipments for the 1987/88 season totaled 2,240,181 cartons, and shipments for the 1988/89 season totaled 1,220,101 cartons. The 1989/90 shipping season ended in early January 1990 due to the harsh freeze. There was no commercial production or shipments of oranges during the 1990/91 season due to the December 1989 freeze. Orange shipments were minimal during the 1991/92 season as the recovery from the freeze of 1989 was still underway. Shipments for the 1992/93 season totaled approximately 688,000 cartons and shipments in the 1993/94 season approximated 833,000 cartons. The Committee expects the 1994/95 season to be an excellent year for orange production and sales. A review of 1986/87 to 1993/94 Texas orange shipment data revealed that the industry's shipping season consistently runs from September through the following June. This pattern was consistent in both pre-freeze and post-freeze seasons.

The Department reviewed the Committee's recommendation and determined that the quality and size requirements for Texas oranges should be suspended for the period July 1 through August 31, when there are no Texas orange shipments. The regulatory period would begin in September and end in June. There have been production changes over the last five to six seasons. However, as mentioned above, the change in production is a result of the freeze of 1989. The change

in production has not resulted in a change in the industry's shipping pattern. The industry's shipping pattern consistently begins in September and ends in June. Although shipping patterns have not changed to date, in the future there may be changes in production and, therefore, we are proposing a suspension. An annual evaluation will be conducted to determine the impact of the suspension on the Texas orange industry. If it is determined that the suspension has been deleterious to the Texas orange industry, necessary modifications will be made.

Minimum grade and size requirements for fresh oranges grown in Texas are in effect under § 906.365 (7 CFR 906.365). This action proposes suspending the provisions of § 906.365 that apply to oranges during the months of July and August.

Since the grade and size requirements for Texas oranges would be in effect during the entire Texas shipping season, this change should not have an adverse impact on the Texas orange industry.

Section 8e of the Act provides that when certain domestically produced commodities, including oranges, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Section 8e further provides that whenever two or more marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the imports shall be subject to the requirements applicable to the commodity produced in the area with which the imported commodity is in most direct competition. The Secretary has determined that oranges imported into the United States are in most direct competition with oranges grown in Texas regulated under M.O. No. 906, and has found that the minimum grade and size requirements for imported oranges should be the same as those established for oranges under M.O. No. 906.

Currently, imported oranges are subject to minimum grade and size requirements under § 944.312 (7 CFR 944.312). These requirements are in effect on a continuous basis because domestic oranges are currently subject to the minimum grade and size requirements under Marketing Order No. 906 on a continuous basis. This rule proposes suspending section 944.312(a) for the period July 1 through August 31 indefinitely so that it would be effective September 1 through June 30, the same time period that is being proposed for the Texas orange regulation.

According to the Department's Market News Branch, U.S. fresh orange imports during the 1993/94 season (beginning November 1) totaled 37.2 million pounds, up nearly 60 percent from the 1992/93 total. The increase is attributable to additional supplies from Australia as compared with the prior season. Australia's largest shipments arrive in July and August. By comparison, U.S. orange imports averaged 48.3 million pounds per season from 1988/89 through 1992/93, ranging from a low of nearly 19 million pounds to 137.3 million pounds in 1990/91 when domestic supplies were reduced following freeze damage to the California crop. In both 1992/93 and 1993/94, Australia was the principal source of fresh orange imports. Other sources of orange imports were the Dominican Republic, whose largest shipments arrive in August and September, Mexico, Israel, and Jamaica. In the 1992/93 season, Australia accounted for 10.1 million pounds, or 43 percent of U.S. fresh orange imports and 20.7 million pounds, or 56 percent of the U.S. total in 1993/94. Mexico is an important source of orange imports during the fall and winter. Imports from Israel are most active during the winter, with imports from other countries widely distributed throughout the season.

This rule would result in relaxed import requirements because the orange import regulations would not be in effect during the months of July and August. This could result in reduced costs to importers. This action should not have an adverse impact on the Texas industry, however, because its shipping season does not begin until September. Domestic producers will not be significantly impacted, since all oranges in commercial channels during the domestic shipping season would be subject to the same minimum grade and size requirements.

The purpose of these changes is to assure that applicable quality requirements are in place only during such periods as needed by the Texas orange industry to provide a consistent supply of oranges of acceptable quality to fresh market outlets.

Based on the above, the Administrator of the AMS has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this proposed rule.

This proposed rule reflects the Department's appraisal of the need to revise the dates of the regulatory period for imported oranges, as hereinafter set forth, to effectuate the declared policy of the Act.

A comment period of 20 days is deemed appropriate because this rule would relax requirements currently in effect, and to be of maximum benefit it should be in effect by July 1, 1995.

List of Subjects

7 CFR Part 906

Oranges, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 906 and 944 are proposed to be amended as follows:

PART 906—ORANGES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for both 7 CFR parts 906 and 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 906.365 [Amended]

2. In § 906.365, paragraph (a)(7) is added, reading as follows:

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(a) * * *

(7) Beginning in 1995, this paragraph (a) is suspended each year from July 1 through August 31.

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

§ 944.312 [Amended]

3. In § 944.312, paragraph (a)(3) is added, reading as follows:

§ 944.312 Orange import regulation.

(a) * * *

(3) Beginning in 1995, this paragraph (a) is suspended each year from July 1 through August 31.

* * * * *

Dated: April 18, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–9970 Filed 4–21–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 920

[Docket No. FV95–920–1PR]

Kiwifruit Grown in California; Proposed Relaxation of Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would relax the pack requirements for kiwifruit packed in Size 45 containers under the Federal marketing order (order) for kiwifruit grown in California. This relaxation would increase the size variation tolerance for all Size 45 containers of kiwifruit from 5 percent, by count, to 10 percent, by count. This rule would reduce grower and handler costs and enable more fruit to be packed and sold. Several editorial changes are also being proposed to clarify the current kiwifruit handling requirements.

DATES: Comments must be received by May 24, 1995.

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

FOR FURTHER INFORMATION CONTACT: Rose Aguayo, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487–5901; or Charles Rush, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2526–S, Washington, DC 20090–6456, telephone (202) 690–3670.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 920 (7 CFR part 920), as amended, regulating the handling of kiwifruit grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 65 handlers of California kiwifruit subject to regulation under the order and approximately 600 kiwifruit producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. A majority of handlers and producers of California kiwifruit may be classified as small entities.

This proposal is in accordance with § 920.52(a)(3) of the order which authorizes regulations to establish the pack of the container or containers which may be used in the packaging or handling of kiwifruit. Under the terms of the marketing order, fresh market shipments of California kiwifruit are required to be inspected and are subject to grade, size, maturity, pack and container requirements. Among the pack requirements, is a size variation tolerance requirement which specifies that not more than 5 percent, by count, of kiwifruit in any container may fail to meet the pack requirements of § 920.302(a)(4). The size variation tolerance does not apply to other pack requirements such as how the fruit fills the cell compartments, cardboard fillers, or molded trays, or any weight requirements.

The Kiwifruit Administrative Committee (committee), the agency responsible for local administration of the marketing order, met on February 8, 1995, and recommended by unanimous vote to relax the current size variation tolerance from 5 percent to 10 percent for bag, volume fill, bulk, cell compartments, cardboard fillers, or molded tray containers of Size 45 kiwifruit for pack under the Federal marketing order for kiwifruit grown in California.

The order authorizes under § 920.52 the establishment of pack requirements. Section 920.302(a)(4) of the rules and regulations outlines the pack requirements for fresh shipments of California kiwifruit. Section 920.302(a)(4)(i) outlines pack requirements for proper size, and size variation, and contains a table that provides minimum net weights for count designation of kiwifruit packed in containers with cell compartments, cardboard fillers, or molded trays. Section 920.302(a)(4)(ii) outlines pack requirements for fruit size variation in bags, volume fill and bulk containers and includes a table that specifies numerical size designations that are used to determine kiwifruit sizes. These size designations are defined by numerical counts, which establish the maximum number of fruit per 8-pound sample for each of the established sizes.

The committee recommended increasing the size variation tolerance for Size 45 containers from 5 percent to 10 percent, by count, of kiwifruit in any container, because handlers cannot visually determine if fruit in a Size 45 container would meet the 5 percent tolerance.

Packout by fruit size, of Size 45 containers, increased from 1.80 percent for the 1993–94 season to 14.34 percent for the 1994–95 season. This increase in packout, of Size 45 fruit, is a result of blending Size 49 fruit into Size 45 fruit containers and as a result of weather conditions in the central and southern

parts of California which produced a larger percentage of smaller and flatter kiwifruit. Generally Size 45 fruit is a rounder fruit. Blending occurs because adjoining size designations have size tolerances that partially overlap and kiwifruit within either size tolerance may be packed in either size designation. In larger sized fruit, handlers see more of a variety of shapes and pack boxes of round fruit and boxes of flat fruit for each size in order to stay within the size variation requirements. For economic and practical reasons, most handlers pack boxes that include both the round Size 45 fruit, as well as smaller flat fruit.

During the past season, a number of handlers experienced increased difficulty in meeting the size variation tolerance in the Size 45 containers. Currently, a variation of ¼-inch (6.4 mm) difference is allowed between the widest and narrowest pieces of fruit in a Size 45 pack for all containers. There is a tolerance of 5 percent for fruit that exceeds that ¼-inch variation, meaning that up to 5 percent of the fruit in any one container may exceed the ¼-inch variation. As the size of the fruit increases, so does the size of the variation allowed. In the larger fruit sizes, failure to meet the required size variation standards results in packs that are visibly irregular in size. In Size 45, however, when the 5 percent tolerance is exceeded, the variation is difficult to detect visually. During the packing operation, a mechanical sizer routinely sorts the fruit by shape and size. The fruit which is missed by the mechanical sizer must be correctly sorted by the handler. Since it is not economically feasible for each handler to be equipped with a caliper to measure size variation, they rely on their visual judgment. During inspection, calipers are utilized by the inspectors to determine if the size variation is met for Size 45 containers. The 5 percent tolerance requirement is seldom met, but the fruit is found to vary slightly above the allowed tolerance of 5 percent (within 6–8 percent tolerance). Handlers have found that it is cost-prohibitive to slow down their operations in an attempt to stay within the current tolerance levels and to recondition the fruit that fails inspection.

The committee's intention in recommending this increase in the size variation tolerance is to set an acceptable size variation tolerance that can be visually discerned while the packing operation is in progress and results in a Size 45 container that is uniform in size.

There is support in the industry to increase the size variation tolerance to 10 percent, by count, for the fruit in any Size 45 container. An alternative studied by the committee field staff and considered by the committee was to increase the degree, or size of the variation allowed, from ¼-inch to ⅜-inch. Throughout the season, fruit was measured and sample boxes were made up depicting this increased variation. It was the consensus of the field staff, inspection service and industry handlers that such an increase would allow for the blending up of undersize fruit. The end result would be a box that visibly showed a variation of fruit size, including undersize fruit. This was deemed not acceptable as the industry desires to pack a uniform box of fruit.

Another alternative examined and proposed herein is to increase the 5 percent size variation tolerance level to 10 percent. Throughout the season, field staff observed and polled handlers and inspectors on problems encountered with Size 45. The overwhelming majority of the cases where Size 45 fruit was rejected for size variation, the tolerance level was in the 6 percent to 8 percent range. It was not possible to distinguish a box at 10 percent variation from one at 5 percent, without the use of a caliper. The general consensus was that once a 10 percent tolerance was exceeded, the variation became more visibly apparent and the handlers would recognize the need for repacking before calling for inspection.

Relaxing the tolerance for Size 45 packs would allow an increased number of Size 45 kiwifruit in a container that are not within the ¼-inch variance. For example, the pieces of fruit, which vary more than ¼-inch in a 22-pound volume fill container, could increase from 2 pieces to 5 pieces. This tolerance increase would not allow for the blending of additional sizes beyond those currently blended, but would grant more flexibility for varying shapes of the fruit. This relaxation would be beneficial to both growers and handlers. The proposed 10 percent size variation tolerance would decrease the amount of handler repacking and reduce inspection time and cost, thereby making it more cost effective for handlers. This would also result in no visual difference in uniformity.

Section 920.302(a)(4) would be amended by revising paragraphs (i) through (iv) and adding new paragraphs (v) and (vi). Included in these changes are editorial changes made for clarity. Diameter variances would be specified for kiwifruit packed in cell compartments, cardboard fillers or molded trays. These provisions appear in § 51.2338(d) of the United States Standards for Grades of Kiwifruit (7 CFR 51.2338(d)). Also, these changes would delete the phrase: ''Provided, That for the season ending July 31, 1995, such containers may also hold 23-pounds net weight of kiwifruit'' in § 920.320(a)(4)(iv) (59 FR 53565). This phrase is no longer needed as it applied to the 1994–95 season.

This proposed rule would impact all handlers in the same manner. The increased size variation tolerance would ease some of the burden associated with packing and sizing kiwifruit and enable handlers to pack and sell more kiwifruit. This change would reduce costs for handlers and growers.

Based on the above, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons an opportunity to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 920 be amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 920.302 is amended by revising paragraphs (a)(4) (i) through (iv) and adding new paragraphs (a)(4) (v) and (vi) to read as follows:

§ 920.302 [Amended]

(a) * * *

(4) * * *

(i) Kiwifruit packed in containers with cell compartments, cardboard fillers, or molded trays shall be of proper size for the cells, fillers, or molds in which they are packed. Such fruit shall be fairly uniform in size.

(ii)(A) Kiwifruit packed in cell compartments, cardboard fillers or molded trays may not vary in diameter more than:

Sizes	Diameter
30 or larger	½-inch (12.7 mm)
31–38	⅜-inch (9.5 mm)
39 or smaller	¼-inch (6.4 mm)

(B) Kiwifruit packed in bags, volume fill or bulk containers, fruit may not vary more than:

Sizes	Diameter
30 or larger	½-inch (12.7 mm)
33, 36, 39, and 42	⅜-inch (9.5 mm)
45 or smaller	¼-inch (6.4 mm)

Not more than 10 percent, by count of the containers in any lot and not more than 5 percent, by count, of kiwifruit in any container, (except that for Size 45 kiwifruit, the tolerance, by count, in any one container, may not be more than 10 percent) may fail to meet the requirements of this paragraph.

(iii) The fruit packed in containers with cell compartments, cardboard fillers, or molded trays shall meet the following minimum weight requirements at the time of initial inspection:

Count designation of fruit	Minimum net weight of fruit (pounds)
34 or larger	7.5
35 to 37	7.25
38 to 40	6.875
41 to 43	6.75
44 and smaller	6.50

The average weight of all sample units in a lot must meet the specified minimum net weight, but no sample unit may be more than 4 ounces less than such weight.

(iv) When kiwifruit is packed in bags, volume fill or bulk containers, the following table specifying the numerical size designation and maximum number of fruit per 8-pound sample is to be used.

Column 1 Numerical count size designation	Column 2 Maximum number of fruit per 8-pound sample
21	22
25	27
27/28	30
30	32
33	35
36	40
39	45
42	50
45	55

The average weight of all sample units in a lot must weigh at least 8 pounds, but no sample unit may be more than 4 ounces less than 8 pounds.

(v) For shipments in volume fill containers in which the quantity is specified by count, the count must equal three times the size designation in accordance with tolerances specified in the U.S. Standards for Grades of Kiwifruit (7 CFR 51.2328(c)(2)).

(vi) All volume fill containers of kiwifruit designated by weight shall hold 22-pounds (10-kilograms) net weight of kiwifruit unless such containers hold less than 10-pounds or more than 35-pounds net weight of kiwifruit.

* * * * *

Dated: April 17, 1995.

Sharon Bomer Lauritsen,

Director, Fruit and Vegetable Division.

[FR Doc. 95–9973 Filed 4–21–95; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 929

[Docket No. FV95–929–1]

Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers of cranberries to determine whether they favor continuance of the marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

DATES: The referendum will be conducted from May 15 through May 26, 1995. To vote in this referendum, growers must have been producing cranberries during the period September 1, 1994, through March 31, 1995.

ADDRESSES: Copies of the marketing order may be obtained from the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kathleen M. Finn, Marketing Order Administration Branch, Fruit & Vegetable Division, Agricultural Marketing Service, Department of Agriculture, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456, telephone: (202) 720–1509 or fax (202) 720–5698.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 929 (7 CFR part 929), hereinafter referred to as the ''order'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act'', it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by the growers. The referendum shall be conducted during the period May 15 through May 26, 1995, among cranberry growers in the production area. Only growers that were engaged in the production of cranberries during the period of September 1, 1994, through March 31, 1995, may participate in the continuance referendum.

The Secretary of Agriculture has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The Secretary would consider termination of the order if less than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of cranberries represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the Secretary would not only consider the results of the continuance referendum. The Secretary would also consider other relevant information concerning the operation of the order; the order's relative benefits and disadvantages to growers, handlers, and consumers; and whether continued operation of the order would tend to effectuate the declared policy of the Act.

In any event, section 8c(16)(B) of the Act requires the Secretary to terminate an order whenever the Secretary finds that a majority of all growers affected by the order favor termination, and such majority produced for market more than 50 percent of the commodity covered under such order.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the ballot materials to be used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0103 for cranberries. It has been estimated that it will take an average of 20 minutes for each of the approximately 1,050 growers of cranberries to cast a ballot. Participation is voluntary. The voting period is May 15 through May 26, 1995. Ballots postmarked after May 26, 1995, will not be included in the vote tabulation.

Patricia A. Petrella and Kathleen M. Finn of the Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct such referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of

Referenda in Connection With Marketing Orders for Fruit, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR part 900.400 *et. seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: April 17, 1995

David R. Shipman,

Acting Deputy Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–10001 Filed 4–21–95; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of the Under Secretary for Domestic Finance

17 CFR Parts 404 and 405

RIN 1505–AA53

Amendments to Regulations for the Government Securities Act of 1986

AGENCY: Office of the Under Secretary for Domestic Finance, Treasury.

ACTION: Notice of extension of time for submission of comments.

SUMMARY: This document extends until May 24, 1995, the deadline for the submission of comments on the Advance Notice of Proposed Rulemaking addressing large position reporting for Treasury securities. The extension is at the request of a trade association representing government securities brokers and dealers. The advance notice was published in the **Federal Register** on January 24, 1995 (60 FR 4576) and comments were to be received on or before April 24, 1995.

DATES: Comments must be submitted on or before May 24, 1995.

ADDRESSES: Comments should be sent to: Government Securities Regulations Staff, Bureau of the Public Debt, Department of the Treasury, Room 515, 999 E Street NW., Washington, DC 20239–0001. Comments received will be available for public inspection and copying at the Treasury Department Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Ken Papaj (Director) or Don Hammond (Assistant Director) at 202–219–3632.

SUPPLEMENTARY INFORMATION: The Government Securities Act Amendments of 1993 granted Treasury the authority to prescribe large position recordkeeping and reporting rules for certain Treasury securities. An advance notice of proposed rulemaking was published to advise market participants of our intention to issue large position recordkeeping and reporting regulations, describe the purposes of, and objectives to be achieved by, such rules and identify key elements related to any rule proposal. The notice invited comments, advice and recommendations from interested parties and requested that they address specific questions.

The Department has received a request for a 30 day extension of the comment period from a trade association representing approximately 300 government securities brokers and dealers (Public Securities Association, PSA). PSA has requested the extension in order to permit the association to obtain additional information from its membership and more fully discuss the issues at its annual meeting during the last week of April. Given the limited additional time requested, the Department agrees to extend the comment period until May 24, 1995.

Dated: April 19, 1995.

Frank N. Newman,

Deputy Secretary.

[FR Doc. 95–10128 Filed 4–21–95; 8:45 am]

BILLING CODE 4810–39–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–95–017]

RIN 2115–AE46

Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend 33 CFR § 100.101 governing the Harvard-Yale Regatta. The specified race time of 10 a.m. until 1:30 p.m. would be deleted to allow for a flexible race period. Notice of each year's race time would be published in a Local Notice to Mariners and the **Federal Register**. A flexible time period is warranted because the actual race schedule is based on specific tidal conditions which occur at various hours of the day and which differ from year to year

DATES: Comments must be received on or before June 23, 1995.

ADDRESSES: Comments should be mailed to Commander(b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, Massachusetts 02110–3350. Comments also may be hand-delivered to room 428 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) B.M. Algeo, Chief, Boating Safety Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD01–95–017), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½″ x 11″ unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander(b), First Coast Guard District at the address under **ADDRESSES.** The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The drafters of this notice are LTJG B.M. Algeo, Project Manager, Boating Safety Affairs Branch and LCDR S.R. Watkins, Project Counsel, District Legal Office.

Background and Purpose

The annual Harvard-Yale Regatta is a long-standing traditional race entering its 130th year. The race is held in the Thames River, New London, CT, between the Penn Central Drawbridge

and Bartlett Cove. The regatta consists of three races of two, nine-men racing shells. The event is expected to draw up to 100 spectator craft. The Coast Guard expects no significant difference in the race from years past. This proposal would give the race sponsors greater flexibility in scheduling race times around the prevailing tidal conditions.

Discussion of Proposed Amendments

The Coast Guard proposes to permanently amend the Special Local Regulation found in 33 CFR § 100.101 governing the Harvard-Yale Regatta. The existing regulation provides for an effective period of 10 a.m. until 1:30 p.m. for the regulated area. Because a race of this nature is dependent upon certain tidal conditions which differ in time from year to year, the Coast Guard proposes to delete the specific time period from the regulation. A provision allowing for annual notice of the race time would be made a part of the permanent regulation. This notice of specific race times for any given year would be published in a Local Notice to Mariners and the **Federal Register** prior to the event.

Regulatory Evaluation

This proposal 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 to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the event is taking place in an area where the only commercial interests affected are a few marinas. This regulation also will allow vessels to transit to and from these affected marinas under Coast Guard escort or as otherwise directed by the Patrol Commander.

Small Entities

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

For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Environment

The Coast Guard is considering the environmental impact of this proposal, and it is expected that preparation of an environmental impact statement will not be necessary. An Environmental Assessment and a Finding of No Significant Impact will be made available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 USC 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. In section 100.101 paragraph (b) is revised to read as follows:

§ 100.101 Harvard-Yale Regatta, Thames River, New London, CT.

* * * * *

(b) *Effective period.* This regulation will be effective annually on the first or second Saturday in June at times to be determined and as published in the Coast Guard Local Notice to Mariners and a **Federal Register** Notice. In case of postponement, this regulation will be in effect the following day.

* * * * *

Dated: March 10, 1995.

J.L. Linnon,

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

[FR Doc. 95–10068 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 78–1–6814; FRL–5195–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Placer County Air Pollution Control District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) for ozone which concern the control of oxides of nitrogen (NO_X) from gas turbines and internal combustion engines. The intended effect of proposing approval of these rules is to regulate emissions of NO_X in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking will incorporate these rules into the federally approved SIP. EPA has evaluated these rules and is proposing to approve them under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: Comments on this proposed action must be received in writing on or before May 24, 1995.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901. Please refer to document number CA 78–1–6814 in all correspondence.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.
Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603.
Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT:

Duane F. James, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1191.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being proposed for approval into the California SIP include: Placer County Air Pollution Control District's (PCAPCD) Rule 250, ''Stationary Gas Turbines,'' and Ventura County Air Pollution Control District's (VCAPCD) Rule 74.9, ''Stationary Internal Combustion Engines.'' These rules were submitted by the California Air Resources Board (ARB) to EPA on March 29, 1994 (Rule 74.9) and October 19, 1994 (Rule 250).

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a NPRM entitled, ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes the requirements of section 182(f). The NO_X Supplement should be referred to for further information on the NO_X requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The Placer County part of the Sacramento Metro Area is classified as serious, and the Ventura County area is classified as severe;[1] therefore these areas were subject to the RACT requirements of section 182(b)(2), cited below, and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X sources since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions are expected to require final installation of the actual NO_X controls by May 31, 1995, for those sources where installation by that date is practicable.

This document addresses EPA's proposed action for PCAPCD's Rule 250, ''Stationary Gas Turbines,'' and VCAPCD's Rule 74.9, ''Stationary Internal Combustion Engines.'' Rule 250 was adopted by the PCAPCD on October 17, 1994, and Rule 74.9 was adopted by the VCAPCD on December 21, 1993. These submitted rules were found to be complete on June 3, 1994 (Rule 74.9) and October 21, 1994 (Rule 250) pursuant of EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[2] and are being proposed for approval into the SIP.

NO_X emissions contribute to the production of ground level ozone and smog. Rule 250 controls NO_X emission from gas turbines, and Rule 74.9 controls NO_X, carbon monoxide (CO), and VOC emissions from internal combustion engines. The rules were adopted as part of PCAPCD's and VCAPCD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and proposed action for these rules.

EPA Evaluation and Proposed Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting state and local agencies in developing NO_X RACT rules, EPA prepared the NO_X supplement to the General Preamble, cited above (57 FR 55620). In the NO_X supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for all categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules are fully enforceable and strengthen or maintain the SIP.

The California ARB has published a RACT/BARCT guidance document for gas turbines entitled, ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for the Control of Oxides of Nitrogen from Stationary Gas Turbines'' (May 18, 1992). The guidance document defines RACT as an emission limit of 42 parts per million volume (ppmv) for gas-fired units and an emission limit of 65 ppmv for oil-fired units. BARCT for gas-fired units is defined as an emission limit of 42 ppmv for 0.3 to 2.9 Megawatt (MW) units, 25 ppmv for 2.9 to 10 MW units, 9 ppmv for units greater than 10 MW using selective catalytic reduction (SCR), and

[1] The Sacramento Metro and Ventura County areas retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

15 ppmv for units greater than 10 MW not using SCR. The corresponding emission limits for oil-fired units are 65 ppmv, 65 ppmv, 25 ppmv, and 42 ppmv, respectively. PCAPCD's Rule 250 incorporates the BARCT limits for gas turbines and is consistent with all of the guidance's other requirements. The rule contains adequate recordkeeping requirements, and the appropriate test methods for compliance determinations are referenced. The exemptions provided in the rule are consistent with EPA guidelines. The rule requires final compliance by May 31, 1995. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for Rule 250, dated November 28, 1994.

The NO_X limits suggested by the California Air Resources Board (ARB) as RACT for IC engines rated at 50 brake horsepower or more are 50 ppmv (90% reduction) for rich-burn engines, 125 ppmv (80% reduction) for lean-burn engines, and 610 ppmv for diesel engines. These limits were recommended using information regarding average, actual, uncontrolled levels and previous regulatory control in Ventura County, the South Coast Basin, and Santa Barbara County. EPA agrees that these limits are consistent with the Agency's guidance and policy for making RACT determinations in terms of general cost-effectiveness, emission reductions, and environmental impacts.

VCAPCD's Rule 74.9 has already been incorporated into the SIP and its RACT limits are consistent with those recommended by the California ARB. However, this most recent submittal includes the following significant changes from the current SIP:

1. The provisions of the rule now apply to IC engines rated at 50 hp and above, operating on any gaseous fuel, including liquid petroleum gas (LPG) or diesel fuel.

2. The NO_X emission standards for rich-burn engines and lean-burn engines have been reduced to 25 ppmv and 45 ppmv, respectively. Rich-burn engines and lean-burn engines that operate on waste gas are no longer exempt from the rule and must comply with the rule's old emission limits of 50 ppmv and 125 ppmv, respectively. An 80 ppmv standard for diesel engines and emission limits for CO and VOCs have also been added to the rule.

3. The rule prohibits the discharge of ammonia in excess of 20 ppmv from any emission control device.

4. The provisions allowing groups of operators to combine their engines and resources and be considered a single operator have been deleted.

5. The provisions allowing the results from NO_X control demonstration projects on lean-burn engines in other counties, to be used by sources in the VCAPCD to satisfy the requirements of the rule, have been deleted.

6. The Cost-Effectiveness Certification provision has been deleted since it is no longer necessary.

7. The rule now requires annual reports of fuel usage, source test results, and other operational data about each engine before permit renewal.

8. The Special Circumstances provisions that allow variances from the rule have been deleted. EPA Method 20 with the District's modifications is no longer used for compliance determinations.

9. The rule's definitions and exemptions have been updated.

The California ARB is in the process of adopting the more stringent emission standards of Rule 74.9 as BARCT for IC engines. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Document (TSD) for Rule 74.9, dated December 5, 1994.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, PCAPCD's Rule 250, ''Stationary Gas Turbines,'' and VCAPCD Rule 74.9, ''Stationary Internal Combustion Engines,'' are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.[4]

Regulatory Flexibility

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

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

The OMB has exempted this regulatory action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 12, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 95–10059 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–W

[4] VCAPCD's Rule 74.9 references California ARB Method 100, which has been cited for certain deficiencies by the Emissions Measurement Branch. The California ARB has committed to correcting these deficiencies, and final approval of Rule 74.9 is contingent on these corrections.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Parts 426 and 427

[IN: 1006–AA32]

Acreage Limitation and Water Conservation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public hearings on the proposed rulemaking.

SUMMARY: In response to a September 1993 contract for settlement of a lawsuit filed by the Natural Resources Defense Council, National Wildlife Federation, California Natural Resources Federation,

California Association of Family Farmers, California Action Network, League of Rural Voters Inc., and County of Trinity, California; the Bureau of Reclamation (Reclamation) has prepared new acreage limitation and water conservation rules and regulations for implementing the Reclamation Reform Act of 1982, as amended, throughout the 17 Western United States. The proposed rules were published in the **Federal Register** on April 3, 1995 (60 FR 16922, Apr. 3, 1995), and are open to a 60-day review and comment period which will close on June 2, 1995.

Public hearings will be held to receive comments from interested organizations and individuals on the proposed rules. During the week prior to the scheduled hearings there will be several public forums at various locations throughout the Western States to provide an opportunity for the public to receive information and clarification concerning the proposed changes to the rules and regulations. Information regarding these forums will be provided to affected parties by mail.

DATES: Public hearings on the proposed rules are scheduled as follows:

1. May 8, 1995, at 7:00 p.m. Yakima, Washington; Billings, Montana
2. May 9, 1995, at 7:00 p.m., Boise, Idaho; Lakewood, Colorado
3. May 10, 1995, at 7:00 p.m., Sacramento, California; Phoenix, Arizona
4. May 11, 1995, at 7:00 p.m., Salt Lake City, Utah; Fresno, California

ADDRESSES: The hearings will be held at the following locations:

1. Yakima—Red Lion Inn (Yakima Valley), 1507 North First Street, Yakima, Washington

Billings—Sheraton Hotel, 27 North 27th Street, Billings, Montana

2. Boise—Red Lion Inn Riverside, 2900 Chinden Blvd., Boise, Idaho

Lakewood—Sheraton Denver West Hotel, 360 Union Blvd, Lakewood, Colorado

3. Sacramento—Red Lion Hotel, 2001 Point West Way, Sacramento, California

Phoenix—Hilton Point at South Mountain, 7777 South Point Parkway, Phoenix, Arizona

4. Salt Lake City—Hilton Hotel, 150 West 500 South, Salt Lake City, utah

Fresno—Holiday Inn (Airport), 5090 East Clinton, Fresno, California

Written comments for inclusion in the official record should be received at the Bureau of Reclamation by June 2, 1995. Comments should be addressed to: Mr Ronald J. Schuster (D–5010), Westwide Settlement Manager, Bureau of Reclamation, Denver Office, PO Box 25007, Denver CO 80225.

A dedicated toll-free telephone line has been established at 1–800–861–5443 through June 2, 1995 to accommodate oral comments from those not attending a public hearing. Comments will be recorded on tape and transcribed by a court reporter, and will be part of the official record. Statements are limited to 10 minutes and must include the commentor's name in order to be included in the official record. Address and affiliation are optional.

FOR FURTHER INFORMATION CONTACT: Ronald J. Schuster, (303) 236–9336, ext. 237.

SUPPLEMENTARY INFORMATION: An identical notice is published in this **Federal Register** regarding public hearings on the environmental impacts of the proposed rules and regulations for implementing the Reclamation Reform Act of 1982.

Ground rules for the hearings are presented below:

—While each hearing is in session, all comments will be recorded by a court reporter.

—Speakers should identify themselves and any organization that they represent.

—Statements will be limited to 10 minutes, and speakers will not be allowed to trade time to obtain longer presentations. The hearing officer may allow any speaker additional time after all scheduled speakers have been heard. The hearing officer may also shorten the 10 minute limit if the number of speakers is too large to fit within a reasonable time frame.

—No one will be recognized to speak other than those parties who are presenting statements.

—To ensure a complete and accurate record, it will be necessary that only one person speak at a time.

—Persons presenting views will not be sworn in or otherwise placed under oath.

—There will be no examination or interrogation of speakers.

—There will be no response by the hearing officer or other Bureau of Reclamation staff on speaker comments.

—Due to the shortness of available time, speakers are encouraged to summarize their comments as much as possible and give the court reporter a copy of their full statement which will be added to the official record.

—Speakers will be scheduled according to the order in which they sign up. Any speaker not present when called will lose his or her turn in the scheduled order, but will be given an opportunity to speak at the end of the scheduled presentations.

—After the scheduled speakers have been heard, each individual who wishes to speak will be afforded that opportunity.

—People are asked to refrain from clapping or other actions that might interfere with the speakers or hearing.

Dated: April 18, 1995.

Wayne O. Deason,

Assistant Director, Program Analysis Office.

[FR Doc. 95–10011 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–94–P–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 383

[Docket No. R–156]

RIN 2133–AB16

Determination of Fair and Reasonable Guideline Rates for the Carriage of Less-Than-Shipload Lots of Bulk and Packaged Preference Cargoes on U.S.-Flag Commercial Liner Vessels

AGENCY: Maritime Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The regulations at 46 CFR part 383 (''Rule'') specify the procedures for the calculation of fair and reasonable guideline rates for certain preference cargoes carried in U.S.-flag vessels employed in a liner service. Currently, the rule applies only to less-than-shipload lots of dry bulk preference cargoes on U.S.-flag vessels. The United States Department of Agriculture (USDA) and the Agency for International Development (AID), the major U.S. government shipper agencies, have requested that the Maritime Administration (MARAD) provide them with guideline rates for bagged and packaged agricultural commodities and to clarify MARAD's policy for prioritization of U.S.-flag shipping services for compliance with the cargo preference requirements of the Cargo Preference Act of 1954. MARAD provides guideline rates for such commodities on bulk vessels, under a similar regulation for bulk vessels at 46 CFR part 382, but does not now provide guideline rates for bagged or packaged cargoes in less-than-shipload lots on vessels in a liner service. This amendment will extend the scope of the rule to cover bagged or packaged agricultural commodities in parcels of 5,000 tons and greater on vessels in a liner service. Prioritization is outside the scope of these regulations; MARAD will address this issue separately at a later date.

DATES: Comments on the proposed rule must be received on or before June 23, 1995.

ADDRESSES: Send an original and two copies of the comments to Secretary, Maritime Administration, Room 7210, 400 7th St., SW., Washington DC 20590. To expedite reviewing the comments the agency requests, but does not require, submission of an additional ten (10) copies. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Michael P. Ferris, Director, Office of Costs and Rates, Maritime Administration, Washington, DC 20590, Telephone (202) 366–2324.

SUPPLEMENTARY INFORMATION: Section 901(b) of the Merchant Marine Act, 1936, as amended, cited as the Cargo Preference Act of 1954, requires that, with respect to certain cargoes which could be described as ''government-impelled,'' such as food donation programs administered by the State Department or the Department of Agriculture, the cognizant government agency or agencies must take appropriate steps to assure that at least 50 percent of the gross tonnage of such cargoes transported on ocean vessels will be ''transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels'' (46 App. U.S.C. 1241(b)). Section 901b of the Act, cited as the Food Security Act of 1985, increased the 50 percent carriage requirement to 75 percent for agricultural commodities or products shipped under certain food donation programs (46 App U.S.C. 1241f). The rule (46 CFR part 383) was promulgated to govern the determination of ''fair and reasonable rates'' (also referred to as guideline rates) for the carriage of dry bulk preference cargoes, in less-than-shipload lots, on U.S.-flag vessels employed in a liner service. It was originally issued on and became effective November 9, 1987. It was subsequently modified, effective January 2, 1992 (57 FR 21036).

Liner operators provide important services to the public as well as shippers of packaged agricultural commodities, for example, consolidations of cargo, intermodal movements and scheduled services. These services are frequently needed and sought by shippers of government impelled cargo. USDA's Commodity Credit Corporation (CCC) through a system of monthly invitations for the purchase of agricultural products and transportation services is the major government contractor of agricultural liner cargo. U.S.-flag liner operators offer transportation bids for the carriage of certain liner cargoes, and the cargo is allocated as to load and discharge ranges based on product prices and these bids. The CCC may then seek lower bids from U.S. liner and bulk operators for the 75% allocation or book the cargo at the rates originally bid.

In general, liner services have complex cost and operating structures which frequently make the determination of guideline rates difficult and impractical. When the Rule was originally proposed in 1986, liner operators carrying most agricultural preference cargoes operated in this more structured environment carrying a wide variety of cargoes to and from numerous domestic and foreign ports. It was also believed, since packaged liner preference cargoes were generally transported under conference freight tariffs filed with the Federal Maritime Commission, that the rates charged were subject to sufficient competition to assure reasonableness. Additionally, the numerous types of parcels in a wide variety of sizes, many below 1,000 metric tons, shipped to various locations would pose substantial administrative and technical problems if guideline rates calculations were to be attempted.

However, MARAD now believes that a significant portion of the bagged and packaged agricultural preference cargoes are carried on voyages in large parcel lots, frequently a consolidation of several small parcels. In these instances, where large parcel lots are being carried, the liner voyage often takes on enough of the pricing characteristics of a bulk voyage that it should be treated on an equal basis with bulk voyages. Also, many of the administrative and technical restraints are eliminated or minimized when guideline rates are only determined for large parcels. As such, it is appropriate and feasible that MARAD furnish a shipper agency with a guideline rate for large parcels when it is requested.

MARAD also recognizes that certain sizes or amounts of cargo are well suited for carriage by a vessel in a common carrier liner service, while larger amounts are better suited for carriage outside the liner service system. This recognition, which was expounded in the Administration's proposed maritime reform legislation, has resulted in the decision to calculate a fair and reasonable guideline rate when a vessel carries a 5,000 ton parcel of preference cargo. Parcels smaller than 5,000 tons pose administrative and technical restraints that prevent calculation of rates that can be reliably termed fair and reasonable, so these parcels will continue to be subject only to the common carrier rate process.

Since U.S. shipper agencies may consolidate two or more distinct cargoes from the same port or region to the same discharge port or region, and those cargoes may individually be less than 5,000 metric tons, but collectively exceed 5,000 metric tons, a clear definition of the term ''parcel'' is required. To determine the most functional definition, MARAD evaluated over 2,000 bills of lading, pertaining to over 1.0 million metric tons of agricultural liner parcels shipped by U.S. shipper agencies during the period October 1, 1992 to September 30, 1993. The data showed that various agricultural preference cargoes destined for the same country were frequently carried on the same voyage.

In analyzing this sample, MARAD consolidated preference cargoes into parcel lots under three different definitions for a parcel, all of which were at least 5,000 metric tons. The first, equal to approximately one-third of the sample, was preference cargo in parcel lots shipped on voyages from a single U.S. port to a single foreign port. The second definition used an expanded load range which included all the ports within a U.S. load port range (i.e., U.S. Gulf) to a single foreign port. This expansion increased the amount of sample tonnage covered to about 45 percent of the sample cargo. The third definition used a further expansion to include a discharge range of all ports of the recipient country. This third definition of parcel covered over two-thirds of the cargo analyzed.

As part of the analysis, MARAD reviewed the three options for complexity of determining guideline rates and for their conformity with MARAD's policy goals of providing guideline rates that are reasonable for the shipper agencies and fair to an efficient U.S.-flag operator. The first option, parcels over 5,000 metric tons shipped from a single load to a single discharge port, would involve the simplest ratemaking but would have the least impact on the number of shipments subject to fair and reasonable guideline rate calculations. The third option, parcels over 5,000 metric tons shipped from a single U.S port range to a port or ports within a single discharge country, would have the greatest level of cargo coverage but results in a slightly more complicated ratemaking process.

The second option falls between the other options in both considerations. MARAD believes that it would be feasible within the current regulations to determine fair and reasonable guideline rates under any of the three options. Since the third option provides guideline rate coverage to the largest amount of cargo and is most consistent with MARAD policy goals stated above, this definition for parcel is being proposed.

As a result of this analysis, for purposes of this rulemaking a parcel will be defined as any group of cargoes subject to cargo preference laws offered by a U.S. shipper agency, host country and/or Private Voluntary Organization (PVO), individually or in combination, loaded in a port or ports within a single U.S. coastal port range (U.S. Gulf coast, U.S. East coast, U.S. West coast, U.S. Great Lakes, Alaska and Hawaii) and discharged at a port or ports of a single foreign country or destined for a single foreign country.

Accordingly, this rulemaking proposes to change the scope of the Rule to include bagged and packaged preference parcels of 5,000 metric tons and greater which are offered for carriage to U.S.-flag operators. In addition, certain conforming changes will be necessary to parts of the existing regulation to administratively facilitate the proposed amendment.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review)

This regulation has been reviewed under Executive Order 12866 and Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). It is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866, since it has been determined that it will not result in an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

While this rulemaking does not involve any change in important Departmental policies, it is considered significant because it addresses a matter of considerable importance to the maritime industry and may be expected to generate significant public interest. MARAD has estimated the potential economic impact of this rulemaking based on a sample of approximately 2,000 individual liner parcels totalling over 1.0 million metric tons booked during the period October 1, 1992 to September 30, 1993. Based on this data, MARAD estimates that guideline rates for approximately 700,000 metric tons could have been calculated and proffered to the responsible shipper agency. If guideline rates were calculated using this rulemaking and the actual fixture reduced to guideline rate, when appropriate, freight charges paid by the government would have declined resulting in a reduction in shipper revenue and government expenditures of approximately 2 to 4 percent. During this period, estimated freight charges paid by government agencies for agricultural liner cargoes were about $200 million. Under market conditions characterizing the study period, total savings are estimated to be $4 to 8 million annually. Because the economic impact should be minimal relative to the total freight costs for agricultural preference cargoes, further regulatory evaluation is not necessary.

Federalism

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Maritime Administration certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

This regulation does not significantly affect the environment. An Environmental Impact Statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This proposed regulation does not significantly change the current requirement for the collection of information. The Office of Management and Budget (OMB) has reviewed the current regulation under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and has approved it under OMB Approval Number 2133–0515.

List of Subjects in 46 CFR Part 383

Agricultural commodities, Cargo vessels, Government procurement, Grant programs—foreign relations, Loan programs—foreign relations, Water transportation.

MARAD hereby proposes to amend 46 CFR part 383, as follows:

1. The authority citation for part 383 would continue to read as follows:

Authority: 46 App U.S.C. 1114(b), 1241(b), 49 CFR 1.66.

2. The heading is proposed to be revised to read as follows:

PART 383—DETERMINATION OF FAIR AND REASONABLE RATES FOR THE CARRIAGE OF LESS-THAN-SHIPLOAD LOTS OF BULK AND PACKAGED PREFERENCE CARGOES ON U.S.-FLAG COMMERCIAL LINER VESSELS

3. Section 383.1 is proposed to be revised to read as follows:

§ 383.1 Scope.

Part 383 prescribes regulations applying to the waterborne transportation of bulk and packaged preference cargoes in less than full shiploads on U.S.-flag commercial liner vessels. Full shiploads of preference cargo and preference cargoes carried by vessels not operated in the liner trades are covered under 46 CFR Part 382. These regulations contain the method that the Maritime Administration (MARAD) shall use in calculating fair and reasonable rates, and the type of information that shall be submitted by liner operators interested in carrying such preference cargoes. For the purpose of these regulations the term less-than full shipload shall include: All cargoes in bulk; or, bagged and/or packaged parcels greater than or equal to 5,000 metric tons and up to the full deadweight capacity of the specific vessel. *A U.S.-flag commercial liner vessel* is any vessel used by the operator which has previously carried cargo (except newly purchased or constructed vessels) in the liner trades and will carry the subject preference cargo in a liner trade previously established by the operator. For these purposes, liner trades is defined as service provided on an advertised schedule, giving relatively frequent sailing between specific U.S. ports or ranges and designated foreign ports or ranges; parcel is defined as any group of cargoes subject to cargo preference laws offered by a U.S. shipper agency, host country or Private Voluntary Organization (PVO), singularly or in combination, loaded in a port or ports within a single U.S. coastal port range and discharged at a port or ports of a single foreign country or destined for a single foreign country.

§ 383.2 [Amended]

4. Section 383.2 Data Submission is proposed to be amended in paragraph (a) *General*, in the first sentence, by removing the term ‘‘dry bulk’’.

5. Section 383.3 is proposed to be amended by revising paragraph (g) to read as follows:

§ 383.3 Determination of fair and reasonable rates.

* * * * *

(g) *Total rate.* The operating cost component, capital cost component, fuel cost component and port and cargo handling cost component shall be added together to yield a total cost element. This total shall be multiplied by 13.5 percent to yield an allowance for broker's commissions, and general and administrative expenses. This allowance shall be added to the total cost element and divided by the cargo tonnage to yield the guideline rate, generally expressed as a cost per ton, except in those circumstances where a cost per ton rate is not appropriate; for example, where two or more cargoes are carried on the same voyage at differing rates per ton. In the event a cost per ton rate is inappropriate, the rate shall be expressed in terms appropriate to the circumstance.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 95–10016 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC63

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Five Freshwater Mussels and Proposed Threatened Status for Two Freshwater Mussels From Eastern Gulf Slope Drainages of Alabama, Florida, and Georgia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that the comment period is reopened on a proposal to list the fat three-ridge, shiny-rayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, and oval pigtoe as endangered, and the Chipola slabshell and purple bankclimber as threatened, pursuant to the Endangered Species Act of 1973 (Act), as amended. The Service is reopening the comment period on this proposal to allow members of the public to submit comments.

DATES: The comment period on this proposal is reopened until May 5, 1995.

ADDRESSES: Written comments and materials concerning the proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert S. Butler at the above address (telephone: 904/232–2580, fax 904/232–2404).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1994, the Service published a proposal (59 FR 39524) to add seven freshwater mussels (fat three-ridge, shiny-rayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, oval pigtoe, Chipola slabshell, and purple bankclimber) to the list of endangered and threatened animals. These seven species are endemic to the Apalachicolan Region of the eastern Gulf Slope, defined as the rivers from the Escambia River in the west to the Suwannee River in the east. These drainages comprise southeast Alabama, southwest Georgia, and north Florida.

Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the publication of a proposed rule. By September 19, 1994, the Service had received 12 public hearing requests on the proposal to list these seven mussels. The Service conducted five public informational meetings and five public hearings in January 1995. A notice of the public informational meetings, public hearings, and reopening of the comment period until February 10, 1995, was published in the **Federal Register** on December 12, 1994 (59 FR 63987).

The Service hereby announces the reopening of the comment period until May 5, 1995. This extension will allow the Service to accept comments received after the close of the previous comment period and the interested public to further comment upon these proposals.

Author: The primary author of this notice is Robert S. Butler, Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216 (904/232–2580 or fax 904/232–2404).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Dated: April 17, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95–10066 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 60, No. 78
Monday, April 24, 1995

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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration and Committee on Regulation

ACTION: Notice of public meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of meetings of the Committee on Administration and the Committee on Regulation of the Administrative Conference of the United States.

Agency: Committee on Administration.
Date: Tuesday, May 2, 1995, at 10:00.
Location: Federal Energy Regulatory Commission, 810 First Street, N.E., 8th Floor Hearing Room, Washington, DC.
For Further Information Contact: Charles Pou, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.

Agency: Committee on Regulation.
Date: Thursday, May 4, 1995, at 1:30 p.m.
Location: Office of the Chairman, Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, DC.
For Further Information Contact: David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.
Supplementary Information: The Committee on Administration will meet to continue its discussion of proposed recommendations regarding the Freedom of Information Act and confidentiality of records under the Administrative Dispute Resolution Act. The Conference's consultant for this project is Professor Mark Grunewald of the Washington and Lee University School of Law.

The Committee on Regulation will meet to continue discussion of proposed recommendations on self-implementation, or self-enforcement, as a regulatory alternative to direct enforcement. The committee has been considering a draft report on this subject by Professor Douglas C. Michael of the University of Kentucky College of Law. This draft report follows an earlier study by Professor Michael, which led to Recommendation 94–1, The Use of Audited Self-Regulation as a Regulatory Technique, adopted by the Administrative Conference in June 1994. The Committee on Regulation will also discuss a draft recommendation on dispute resolution under the Americans with Disabilities Act (ADA), based on a draft report by Professor Ann C. Hodges of the T.C. Williams School of Law, University of Richmond. Copies of the reports and of the draft recommendation on the ADA are available from the Administrative Conference.

Attendance at the meetings is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The chairman of each committee, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of each meeting will be available on request.

Dated: April 19, 1995.

Jeffrey S. Lubbers,
Research Director.

[FR Doc. 95–10088 Filed 4–21–95; 8:45 am]
BILLING CODE 6110–01–W

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB–95–11]

Burley Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Burley Tobacco Advisory Committee.
Date: June 20, 1995.
Time: 10 a.m.
Place: Campbell House Inn, North Colonial Hall, 1375 Harrodsburg Road, Lexington, Kentucky 40504.
Purpose: To elect officers, recommend opening dates, review the 1995 policies and procedures and other related matters for the 1995 burley tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Director, Tobacco Division, AMS, U.S. Department of Agriculture, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456, (202) 205–0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting.

Dated: April 17, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95–9972 Filed 4–21–95; 8:45 am]
BILLING CODE 3410–02–P

[Docket No. TB–95–10]

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.
Date: June 15, 1995.
Time: 10 a.m.
Place: United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Tobacco Division, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, Room 223, 1306 Annapolis Drive, Raleigh, North Carolina 27608.
Purpose: To elect officers, establish submarketing areas, discuss selling schedules and recommend opening dates. The Committee will also update the 1995 policies and procedures and review other related matters for the 1995 flue-cured tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456, (202) 205–0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting.

Dated: April 17, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95–9971 Filed 4–21–95; 8:45 am]
BILLING CODE 3410–02–P

Forest Service

Trail System and Off Highway Vehicle Management and Development, Ochoco National Forest and Crooked River National Grassland, Crook, Grant, Jefferson, Harney, and Wheeler Counties, OR

AGENCY: Forest Service, USDA.
ACTION: Revision of notice of intent.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) for analysis of

development and management of the Ochoco National Forest and Crooked River National Grassland trail system and off highway vehicle (OHV) use. Forest Service proposes to develop a framework for designating OHV routes and areas to provide a variety of motorized recreation opportunities. Regulations prescribing operating conditions for OHV use will be developed for specific areas. Regulations considered may include designated areas and/or routes, seasonal closures, and/or complete area closures.

The revised proposed action will also include: (1) Clarifying conflicting trail standards and guidelines and/or developing additional trail standards and guidelines for all Forest and Grassland lands; and (2) developing recreation trail objectives that address all user groups and acceptable intensity of use for all Forest and Grassland lands.

The purpose of the EIS is to develop a framework for providing well-designed OHV trails while protecting fish, wildlife, soils, air quality, and adjacent land owner rights; as well as mitigating conflicts between various recreation trail groups.

Changes proposed in this EIS to the current Management Allocations Standards and Guidelines in the Ochoco National Forest and Grassland Land and Resource Management Plans (LRMP) will result in amendments to these plans. The EIS will be programmatic in nature. Any future proposed ground disturbing activities that tier to this EIS and associated Forest and Grassland Plan amendment will have a site specific environmental analysis conducted at a later date. The Forest Service invites written comments on the scope of this project. In addition, the Forest Service gives notice of this analysis so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of analysis of this proposal must be received by May 20, 1995.

ADDRESSES: Submit written comments and suggestions concerning the scope of analysis to Thomas A. Schmidt, Forest Supervisor, Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754.

FOR FURTHER INFORMATION CONTACT: Questions and comments about this EIS should be directed to Susan Kocis, Forest Recreation Planner, Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754, phone 503–447–6247.

SUPPLEMENTARY INFORMATION: A need to address access and travel on the Ochoco National Forest and Crooked River National Grassland became apparent from public comments and appeals to the Record of Decision for the LRMP. Increasing resource damage and public demand for OHV opportunities on the Ochoco National Forest and Grassland continues to show the need to complete this EIS process, which started in 1991 (Notice of Intent, **Federal Register**, May 22, 1991, (56 FR 23546)). Based on new issues the proposed action has been revised. This revised proposed action has lead to the development of several different alternatives considered. At a minimum, alternatives being considered will include. One, Existing Condition Alternative, which will continue with existing Forest and Grassland Plan direction. Two, No Action Alternative, which will build no new motorized or nonmotorized trails. Three, Designated Trail Alternative, which would allow OHV use only on designated Forest and Grassland trails and off-trail use would not be allowed.

Currently the Forest and Grassland provide 198 miles of trail of which 8.1 miles are designated for OHV summer use, 75 miles are for winter motorized use, and 123 miles are for summer and winter nonmotorized use. The Forest and Grassland Plans call for additional construction of approximately 130 miles of OHV trail and 196 miles of nonmotorized trail by 1999. Since 1989 the Forest and Grassland have constructed 23.0 miles of nonmotorized trail. An additional 12 miles of trail were analyzed and a decision not to build them was made.

Demand for OHV trail opportunities has been increasing, as evidenced by increasing comments and letters from the public. There is a need to proceed with attaining the Desired Future Condition (DFC) for trails as stated in the LRMP.

To attain DFC, direction prescribing operating conditions for OHV use will be developed for the following areas:

—Riparian areas (including springs, seeps and meadows);
—Closed areas (identified in the existing LRMP);
—Sensitive plant communities (including high elevation sites, rare plants, and old growth);
—Sensitive soils (including erodible and/or compactable soils on moderate/steep slopes, and scablands); and
—Sensitive areas (including cultural resource sites, forest tree plantations, wild animal calving areas, and threatened, endangered and sensitive wildlife use sites).

A tentative list of issues has been identified from the Forest and Grassland access and travel meeting in 1990–1991, as well as from letter and comments received from the public through 1994. Issues can be grouped into five keys areas: Social; travel route management; multi-recreational use; resource considerations; public affairs and user education.

Since the Notice of Intent, the Forest and Grassland have held over 30 public meetings and received comments from over 40 individuals and groups. Public participation is and will be an important during this environmental analysis. The Forest Service is seeking information, comments, and assistance from Federal, State, Tribes, and local agencies, and other individuals or organizations who may be interested in or affected by the revised proposed action. Comments received regarding travel and access from 1990–1994 will also be used. This information will be used in preparation of the draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis process.
4. Exploring additional alternatives.
5. Identifying potential environmental effects or the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review June 1995. EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date of the EPA notice appears in the **Federal Register**. It is very important that those interested in the management of the Ochoco National Forest and Crooked River National Grassland participate at that time.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The Forest Service believes it is important to give reviewers notice, at

this early stage, of several court ruling related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp* v. *NRDC,* 435, U.S. 519, 553, (1978)). Also, environmental objections that could be raised at the draft EIS state but that are not raised until after completion of the final EIS may be waived or dismissed by the courts (*City of Angoon* v. *Hodel,* 803 f. 2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). In light of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible.

The final EIS is scheduled to be completed around October 1995. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations and policies considered in making the decision regarding this proposal. Tom Schmidt, Forest Supervisor, Ochoco National Forest, is the responsible official. As the responsible official he will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service appeal regulations (36 CFR Part 217).

Dated: April 14, 1995.

Thomas A. Schmidt,

Forest Supervisor.

[FR Doc. 95–10013 Filed 4–21–95; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Idaho Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Friday, June 2, 1995, at the Double Tree Hotel, 475 Park Center Boulevard, Boise, Idaho 83706. The purpose of the meeting is to discuss law enforcement issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Gladys Esquibel, 208–678–3838, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 17, 1995.

Carol-Lee Hurley

Chief, Regional Programs Coordination Unit

[FR Doc. 95–9975 Filed 4–21–95; 8:45 am]

BILLING CODE 6335–01–F

Agenda and Notice of Public Meeting of the Kentucky Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Thursday, May 11, 1995, at the Raddison Plaza, 369 West Vine Street, Lexington, Kentucky 40507. The meeting will include: orientation for new members, a review of Commission activity, a discussion of civil rights problems and progress in the State, and review and discussion of the report, ''Bigotry Related Violence in Kentucky.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Porter Peeples, 606–233–1561, or Robert L. Knight, Civil Rights Analyst of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 17, 1995.

Carol-Lee Hurley

Chief, Regional Programs Coordination Unit

[FR Doc. 95–9976 Filed 4–21–95; 8:45 am]

BILLING CODE 6335–01–F

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 950329080–5080–01]

Special American Business Internship Training Program (SABIT)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This Notice announces availability of funds for the Special American Business Internship Training Program (SABIT), for training business executives and scientists (also referred to as ''interns'') from the New Independent States (NIS) of the former Soviet Union. The Department of Commerce, International Trade Administration (ITA) established the SABIT program in September 1990 to assist the former Soviet Union's transition to a market economy. Since that time, SABIT has been matching business executives and scientists from the NIS with U.S. firms which provide them with three to six months of hands-on training in a market economy.

Under the SABIT program, qualified U.S. firms will receive funds through a cooperative agreement with ITA to help defray the cost of hosting interns. ITA will interview and recommend eligible interns to participating companies. Interns may be from any of the following Independent States: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The U.S. firms will be expected to provide the interns with a hands-on, non-academic, executive training program designed to maximize their exposure to management or commercially-oriented scientific operations. At the end of the training program, interns must return to the NIS.

DATES: The closing date for applications is April 30, 1996. An original and two copies of the application (Standard Form 424 (Rev. 4–92) and supplemental material) are to be sent to the address designated in the Application Kit and postmarked by the closing date. Applications will be considered on a ''rolling'' basis as they are received, subject to the availability of funds. If available funds are depleted prior to the closing date, a notice to that effect will be published in the **Federal Register**. Processing of complete applications takes approximately two to three months.

ADDRESSES: Request for Applications: Competitive Application kits will be available from ITA starting on the day

this notice is published. To obtain a copy of the Application Kit please telephone (202) 482–0073, or facsimile (202) 482–2443 (these are not toll free numbers) or send a written request with two self-addressed mailing labels to Liesel C. Duhon, Acting Director, SABIT Program, HCHB Room 3319, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Only one copy of the Application Kit will be provided to each organization requesting it, but it may be reproduced by the requester.

FOR FURTHER INFORMATION CONTACT: Liesel C. Duhon, Acting Director, SABIT Program, U.S. Department of Commerce, phone—(202) 482–0073, facsimile—(202) 482–2443. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: SABIT exposes NIS business managers and scientists to a completely new way of thinking in which demand, consumer satisfaction, and profits drive production. Senior-level interns visiting the U.S. for internship programs with public or private sector companies will be exposed to an environment which will provide them with practical knowledge for transforming their countries' enterprises and economies to the free market. The program provides first-hand, eye-opening experience to managers and scientists which cannot be duplicated by American managers travelling to their territories.

Business Executives: SABIT assists economic restructuring in the NIS by providing top-level business managers with practical training in American methods of innovation and management in such areas as strategic planning, financing, production, distribution, marketing, accounting, wholesaling, and labor relations. This first-hand experience in the U.S. economy enables interns to become leaders in establishing and operating a market economy in the NIS, and creates a unique opportunity for U.S. firms to familiarize key executives from the NIS with their products and services.

Scientists: SABIT provides opportunities for gifted scientists to apply their skills to peaceful research and development in the civilian sector, in areas such as defense conversion, medical research, and the environment, and exposes them to the role of scientific research in a market economy where applicability of research relates to business success. Sponsoring firms in the U.S. scientific community also benefit from exchanging information and ideas, and different approaches to new technologies.

All internships are for three to six months; however, ITA reserves the right to allow an intern to stay for a shorter period if the U.S. company agrees and the intern demonstrates a need for a shorter internship based on his or her management responsibilities.

Funding Availability: Pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended (the ''Act'') funding for the program will be provided by the United States Agency for International Development (A.I.D). ITA will award financial assistance and administer the program pursuant to the authority contained in section 635(b) of the Act. The estimated amount of financial assistance available for the program is $1.4 million. Additional funding may become available during this funding period.

Funding Instrument and Project Duration: Federal assistance will be awarded pursuant to a cooperative agreement between ITA and the recipient firm. ITA will reimburse companies for the round trip international travel of each intern from the intern's home city in the NIS to the U.S. internship site, upon submission to ITA of the travel invoice and the form SF–270, ''Request for Advance or Reimbursement.'' Travel under the program is subject to the Fly America Act. Recipient firms provide $30 per day directly to interns; ITA will reimburse companies for this stipend of $30 per day per intern for up to six months, upon submission by company of an end-of-internship report and form SF–270. Each award will have a cap of $7,500 per intern for total cost of airline travel and stipend. ITA reserves the right to allow an award to exceed this amount in cases of unusually high costs, such as airfare from remote regions of the NIS. There are no specific matching requirements for the awards. Host firms, however, are expected to bear the costs beyond those covered by the award, including: visa fees, housing, insurance, any food and incidentals costs beyond $30 per day, any training-related travel within the U.S., and provision of the hands-on training for the interns.

U.S. firms wishing to utilize SABIT in order to be matched with an intern without applying for financial assistance may do so. Such firms will be responsible for all costs, including travel expenses, related to sponsoring the intern.

Eligibility: Eligible applicants for the SABIT program will be any for profit or non-profit U.S. corporation, association, organization or other public or private entity. Branches or divisions of the federal government are not eligible.

Evaluation Criteria: Consideration for financial assistance will be given to those SABIT proposals which:

(1) Demonstrate a commitment to the intent and goals of the program to provide practical, on-the-job, non-academic, non-classroom, training: in the case of manager interns, an appropriate management training experience, or, in the case of scientist interns, a practical, commercially-oriented scientific training experience.

(2) Respond to the priority needs of senior business managers and scientists in the NIS, as determined by ITA. Host firms must be solidly committed to interns' return to their own countries upon completion of the internships.

(3) Present a realistic work plan describing in detail the training program to be provided to the SABIT intern(s). Work plans must include the following: (a) Whether Applicant is applying to host managers or scientists, or both (and the number of each); (b) the duration of the internship (at least three but not more than six months.) As noted above, ITA reserves the right to allow an intern with very senior management responsibilities to stay for a shorter period (minimum of one month) if the U.S. company agrees and the intern demonstrates a compelling need for a shorter internship based on his or her management responsibilities; (c) the location(s) of the internship; (d) the name, address, and telephone number of the designated internship coordinator; (e) name(s) of division(s) in which the intern(s) will be placed; (f) the individual(s) in the U.S. company under whose supervision the intern will train; (g) the proposed internship training activities. The components of the training activities must be described in as much detail as possible, preferably on a week-by-week basis. The description of the training activities should include an accounting of what the intern's(s') duties and responsibilities will be during the training; (h) the anticipated housing arrangements to be provided for the intern(s). Note that housing arrangements should be suitable for mid- and senior-level professionals, and that each intern must be provided with a private room.

(4) Include a brief objectives section indicating why the Applicant wishes to provide an internship to a manager(s) or scientist(s) from the NIS, and how the proposed internship would further the purpose of the SABIT program as described above. If Applicant is nominating a specific individual for training, this objectives section must describe any existing relationship between the Applicant and the individual.

(5) Provide a general description of the profile of the intern(s) the Applicant would like to host, including: educational background; occupational/professional background (including number of years and areas of experience); size and nature of organization at which the intern(s) is/are presently employed; preference for the region of the NIS where the intern(s) is/are employed; and whether Applicant is open to sponsoring interns from a variety of NIS countries.

(6) Indicate whether Applicant organization operates in one or more of the following business sectors: (a) Agribusiness (including food processing and distribution, and agricultural equipment), (b) Defense conversion, (c) Energy, (d) Environment (including environmental clean-up), (e) Financial services (including banking and accounting), (f) Housing, construction and infrastructure, (g) Medical equipment, supplies, pharmaceuticals, and health care management, (h) Product standards and quality control, (i) Telecommunications, and (j) Transportation. Applicant proposal must provide an explanation including description and extent of involvement in the sector(s). While Applicants involved in any industry sector may apply to the program, priority consideration is given to those operating in the above sectors.

Evaluation criteria 1–6 will be weighted equally. ITA does not guarantee that it will match Applicant with the profile provided to SABIT.

Additional Information: Applicants must submit: (1) Evidence of adequate financial resources of Applicant organization to cover the costs involved in providing an internship(s). As evidence of such resources, Applicant should submit financial statements audited by an outside organization or an annual report including such statements. If these are not available, a letter should be provided from the Applicant's bank or outside accountant attesting to the financial capability of the firm to undertake the scope of work involved in training an intern under the SABIT program. (2) Evidence of a satisfactory record of performance in grants, contracts and/or cooperative agreements with the Federal Government, if applicable. (Applicants who are or have been deficient in current or recent performance in their grants, contracts, and/or cooperative agreements with the Federal Government shall be presumed to be unable to meet this requirement). (3) A statement that the Applicant will provide medical insurance coverage for interns during their internships. Recipients will be required to submit proof of the interns' medical insurance coverage to the Federal Program Officer, before the interns' arrivals. The insurance coverage must include an accident and comprehensive medical insurance program as well as coverage for accidental death, emergency medical evacuation, and repatriation.

Selection Procedures: Each application will receive an independent, objective review by one or more three or four-member ITA review panels qualified to evaluate applications submitted under the program. Applications will be evaluated on a competitive, ''rolling'' basis as they are received in accordance with the selection criteria set forth above. Awards will be made to those applications which successfully meet the selection criteria. If funds are not available for all those applications which successfully meet the criteria, awards will be made to the first applications received which successfully do so. ITA review panel(s) reserve(s) the right to reject any application; to limit the number of interns per applicant; to waive informalities and minor irregularities in applications received; and to consider other than competitive procedures to distribute assistance under this program and in accordance with the law. ITA review panel(s) reserve(s) the right to make awards based on U.S. geographic and organization size diversity among applicants. Recipients may be eligible, pursuant to approval of an amendment to the award, to host additional interns under the program.

Other Requirements: All applicants are advised of the following:

1. No award of Federal funds shall be made to an Applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, a negotiated repayment schedule is established and at least one payment is received, or other arrangements satisfactory to DOC are made.

2. A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C.1001.

3. Recipients and subrecipients are subject to all Federal laws and Federal and Departmental regulations, policies and procedures applicable to financial assistance awards.

4. Participating companies will be required to comply with all relevant U.S. tax and export regulations. Export controls may relate not only to licensing of products for export, but also to technical data transfer.

5. Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

6. If applicants incur any costs prior to an award being made, they do solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs.

7. Past performance: Unsatisfactory performance by an applicant under prior Federal awards may result in an application not being considered for funding.

8. No obligation for future funding: If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

9. Primary Applicant Certifications: All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

(a) Nonprocurement Debarment and Suspension: Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies.

(b) Drug Free Workplace: Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies.

(c) Anti-Lobbying: Funds provided under the SABIT program may not be used for lobbying activities. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater.

(d) Anti-Lobbying Disclosures: Any applicant that has paid or will pay for lobbying in connection with this award

using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

10. Lower Tier Certifications: Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

11. Indirect Costs: Indirect costs are not allowed under the SABIT program.

12. Buy-American-made equipment or products: Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible in accordance with Public Law 103–121, Sections 606. (a) and (b).

13. The following statutes apply to this program: Restriction on Assistance to the Government of Azerbaijan (Section 907 of the FREEDOM Support Act, Public Law 102–511); Chapter 11 of Part I of the Foreign Assistance Act of 1961, as amended, including section 498A (b), regarding ineligibility for assistance; provisions in annual Foreign Operations, Export Financing, and Related Programs Appropriations Act, including the following provisions contained in Public Law 103–87: Use of American Resources (Section 559 of the Foreign Operation, Export Financing, and Related Programs Appropriations Act, 1995, Pub. L. 103–87); Impact on Jobs in the United States (Section 545 of the Foreign Operation, Export Financing, and Related Programs Appropriations Act, 1995, Pub. L. 103–87); Bumpers Amendment (Section 513(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, Pub. L. 103–87); Lautenberg Amendment (Section 513(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994, Pub. L. 103–87); and Section 660(a) of the Foreign Assistance Act of 1961, as amended.

Dated: April 18, 1995.

Liesel C. Duhon,

Acting Director, SABIT Program.

[FR Doc. 95–10012 Filed 4–21–95; 8:45 am]

BILLING CODE 3510–HE–P

COMMISSION ON IMMIGRATION REFORM

Consultation on Refugee and Humanitarian Admissions

Announcement of Commission Consultation

This notice announces a consultation to be held by the U.S. Commission on Immigration Reform in Washington, D.C. on April 25, 1995. The Commission, created by Section 141 of the Immigration Act of 1990, is mandated to review the implementation and impact of U.S. immigration policy and report its findings to Congress. An interim report, U.S. Immigration Policy: Restoring Credibility, was issued on September 30, 1994; the final report is due in 1997.

The consultation participants will include the Commissioners, researchers, current and former Administration officials, Congressional staff, and representatives of international and non-governmental organizations. The consultation will examine U.S. refugee and humanitarian admissions policies.

Date: April 25, 1995.

Time: 9:00 am–2:15 pm.

Address: Carnegie Endowment for International Peace, 2400 N Street, N.W., Washington, D.C. 20037–1153.

For Further Information Contact: Paul Donnelly (202) 673–5348.

Dated: April 19, 1995.

Susan Martin,

Executive Director.

[FR Doc. 95–10115 Filed 4–20–95; 10:40 am]

BILLING CODE 6820–97–M

COMMODITY FUTURES TRADING COMMISSION

Financial Products Advisory Committee; Fifth Renewal

The Commodity Futures Trading Commission has determined to renew for a period of two years its advisory committee designated as the ''Commodity Futures Trading Commission Financial Products Advisory Committee.'' As required by Section 14(a)(2k)(A) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, Section 14(a)(2)(A), and 41 CFR 101–6.1007 and 101–6.1029, the Commission has consulted with the Committee Management Secretariat of the General Services Administration, and the Commission certifies that the renewal of the advisory committee is in the public interest in connection with duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. 1. *et seq.*, as amended.

The objectives and scope of activities of the Financial Products Advisory Committee are to conduct public meetings and submit reports and recommendations on issues concerning individuals and industries interested in or affected by financial markets regulated by the Commission.

Commissioner Sheila C. Bair serves as Chairman and Designated Federal Official of the Financial Products Advisory Committee. The Committee's membership represents a cross-section of interested and affected persons and groups including representatives of newer institutional market participants, such as broker-dealers, pension sponsors and investment companies; traditional market participants, such as futures commission merchants, commodity pool operators and commodity trading advisors; and representatives of the academic, legal and accounting communities and other appropriate public participants.

Interested persons may obtain information or make comments by writing to the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C. on April 18, 1995, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95–10028 Filed 4–21–95; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the Military Health Care Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Military Health Care Advisory Committee (MHCAC) is being established in consonance with the public interest, and in accordance with the provisions of Public Law 92–463, the ''Federal Advisory Committee Act.''

The MHCAC will advise the Secretary of Defense, Assistant Secretary of Defense for Health Affairs, and other senior officials in both the Office of the Secretary of Defense and the Military Departments, on problems,

opportunities, preferred solutions, and strategies for managing and sustaining a comprehensive and effective military health care system. Included among the specific areas to be examined and evaluated will be: enhancing beneficiary support and care; increasing medical readiness and preparedness to meet national security missions; increasing the efficiency of both military and private sector medical and health care systems; and, identifying and implementing measures to reduce health risks and improve the health of beneficiaries, especially active duty troops.

The Committee will be composed of 15–20 members who will be a diverse mix of individuals from government, industry, academia, and the private sector, with varied backgrounds in military health care disciplines. Efforts will be made to ensure a balanced membership, considering the functions to be performed and the interest groups represented.

For further information regarding the MHCAC, contact: Mr. Gary Christopherson, (703) 697–2111.

Dated: April 17, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9965 Filed 4–21–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Depot Maintenance Operations and Management

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Depot Maintenance Operations and Management will meet in closed session on May 2, 1995 at the Pentagon, Arlington, Virginia. In order for the Task Force to obtain time sensitive classified briefings, critical to the understanding of the issues, this meeting is scheduled on short notice.

The mission of the Defense Science Board is to advise the Secretary of Defense through 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. At this meeting the Task Force will provide advice, recommendations and suggested implementations for improvements to the Department's depot maintenance operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: April 18, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9968 Filed 4–21–95; 8:45 am]

BILLING CODE 5000–04–M

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on May 2, 1995; May 9, 1995; May 16, 1995; May 23 1995; and May 30, 1995, at 10:00 a.m. in Room 800, Hoffman Building #1, Alexandria, Virginia.

Under the provisions of section 10(d) of Pubic Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rule and practices of the Department of Defense and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: April 18, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9969 Filed 4–21–95; 8:45 am]

BILLING CODE 5000–04–M

Office of the Under Secretary of Defense (Acquisition and Technology)

Pilot Mentor-Protege Program; Notice

AGENCY: Department of Defense, Office of Small and Disadvantaged Business Utilization.

SUMMARY: The Department of Defense is issuing this announcement inviting companies to participate in the DoD Pilot Mentor-Protege Program (hereinafter referred to as MPP). Prior to September 30, 1995, all requests for participation in the MPP should be submitted to either: (1) Credit technical assistance cost toward established subcontracting goals, or (2) credit these costs and charge them as allowable costs to indirect expenses. During this period, requests for direct cost reimbursement under the MPP will not be considered, except where major program managers identify program funds for the MPP.

Requests for participation in the MPP should be prepared in accordance with the DoD Policy for the Pilot Mentor-Protege Program, Appendix I of the Defense Federal Acquisition Regulation. Consideration should also be given to selecting proteges that can be developed in the following DoD thrust areas: manufacturing, environmental, health care, management information systems and telecommunications. Mentors are encouraged to select proteges in other areas as well.

Mentors are encouraged to target the protege's developmental assistance program to enhancing the ability of the protege to perform as a subcontractor to the mentor under specific contracts awarded to the mentor by the government. If such an effort is planned under a DoD major contract (valued in excess of $100 million over the life of the contract), in order to demonstrate good faith in providing subcontracting opportunities, the mentor-protege agreement should be supported or endorsed by the appropriate program manager and or the head of the contracting activity that awarded the major contract.

To expedite the review process, companies interested in participating in the program may submit the mentor protege agreement with the initial request, in lieu of the letter of intent.

Please submit requests for participation in the MPP to: Director, DoD Office of Small and Disadvantaged Business Utilization, 3061 Defense Pentagon, Washington, DC 20301–3061.

FOR FURTHER INFORMATION CONTACT: Tracy Mitchell, 1–800–553–1858, to receive a copy of Appendix I, the DoD policy, regulations, and written information about the program; Dora Thomas, DoD Office of Small and Disadvantaged Business Utilization, 3061 Defense Pentagon, Washington, DC 20401–3061, for other information about the program.

SUPPLEMENTARY INFORMATION: Section 831 of Public Law 101–510 as amended, establishes the Pilot Mentor-Protege Program. The purpose of the program is to provide incentives to major DoD contractors to furnish small

disadvantaged businesses (SDB) with technical assistance designed to enhance their capabilities to perform as subcontractors and suppliers. The ultimate objective of the program is to increase the participation of these concerns as subcontractors and suppliers under DoD contracts, other federal government contracts and commercial contracts. The policy and procedures governing the MPP are set forth in Appendix I of the Defense Federal Acquisition Regulation.

Incentives under the MPP consist of: Direct reimbursement of technical assistance costs, authority to charge these costs as allowable indirect costs and credit them against established subcontracting goals, credit only against established SDB subcontracting goals and a combination of credit and direct reimbursement.

The following dates are pertinent to this MPP announcement: Companies may be approved for participation in the program until September 30, 1995; companies may be directly reimbursed or charge technical assistance cost as allowable indirect costs until October 1, 1996; companies may credit costs for providing technical assistance toward established subcontracting goals for SDBs until October, 1999.

In order to be approved as a mentor, a company must be performing under at least one active subcontracting plan negotiated pursuant to FAR 19.7. Companies that are interested in becoming a mentor will be responsible for the selection of SDBs as proteges. DoD will not be involved in matching mentors and proteges. SDBs selected as proteges by the mentor must meet the eligibility criteria with respect to size and disadvantage status set forth in the DoD Policy. Pursuant to the law, a protege may have only one mentor.

Dated: April 18, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9966 Filed 4–21–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

Solicitation; Innovative Concepts for Improving Industrial Processing; EERE-Denver Regional Support Office

AGENCY: Department of Energy.

ACTION: Notice of solicitation, Number DE–PS48–95R81053, for Financial Assistance Applications.

SUMMARY: The Department of Energy (DOE), Denver Regional Support Office, pursuant to 10 CFR 600, announces its intention to issue a competitive solicitation and make financial assistance grant awards under the Innovative Concepts for Improving Industrial Processes. The solicitation is being issued based on the authority contained in the Department of Energy Organization Act of 1977, as amended, Public Law 95–91 and 97–377, and the Federal Non-nuclear Energy Research and Development Act of 1974, Public Law 93–577. Applications submitted in response to this solicitation are not covered by Executive Order 12372, Intergovernmental Review of Federal Programs.

AVAILABILITY OF THE SOLICITATION: To obtain a copy of the solicitation write or fax to the U.S. Department of Energy, Denver Support Office, 2801 Youngfield St., Suite 380, Golden, CO 80401. Attn: Dennis D. Maez. Requests for the solicitation can be made at (303)231–5750 ext. 110 or facsimile (303)231–5757.

SUPPLEMENTARY INFORMATION: Numerous efforts have been undertaken in recent years to stimulate and provide assistance to independent and small business inventors in developing and commercializing new technology. These programs are aimed at improving the possibilities for the commercial success of inventions. In an effort to assist these groups by providing a mechanism of sharing information and reducing the risk of trying new approaches to assisting inventors, the Inventions and Innovations Division of DOE established the Innovative Concepts Grant Program (InnCon). The InnCon program is inviting applications for grants to support new initiatives from inventor groups and individuals. Applications must identify a complete project and the necessary resources required to complete it. Each application submitted will be reviewed against established criteria in order to be eligible for a grant. The InnCon Program is not intended to offset the cost of established operation of existing programs. It is intended to award 25 grants in the amounts of $20,000 each, for a total of $500,000. Federal Laboratories, Battelle Memorial Institute, their affiliates and employees are not eligible.

Review of applications will begin on or about July 1, 1995. Selections will commence approximately mid-July, with anticipated award issuance during August through September 1995. Projects should be completed approximately within nine months of the award date.

Awards may be either grants or cooperative agreements, depending on the amount of substantial involvement anticipated between the Department of Energy and the recipient during performance of the contemplated activity.

The solicitation will be issued on or about April 15, 1995, and will contain detailed information on funding, cost sharing requirements, eligibility, application preparation, and evaluation. Responses to the solicitation will be due 60 days after solicitation release.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Denver Regional Support Office, 2801 Youngfield St., Golden, CO 80401, Attention: Dennis D. Maez, Contracting Officer.

Issued in Golden, Colorado on: April 13, 1995.

John Meeker,

Chief, Procurement, GO.

[FR Doc. 95–10064 Filed 4–21–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EC94–23–000, et al.]

Washington Water Power Co., et al.; Electric Rate and Corporate Regulation Filings

April 17, 1995.

Take notice that the following filings have been made with the Commission:

1. Washington Water Power Co.

[Docket No. EC94–23–000]

Take notice that on March 28, 1995, Washington Water Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: May 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. PowerNet Co.

[Docket No. ER94–931–003]

Take notice that on March 30, 1995, PowerNet Company tendered for filing a letter reporting that it did not engage in any electric power purchases and sales during the quarters ended September 30, 1994 and December 31, 1994.

3. Eclipse Energy Inc.

[Docket No. ER94–1099–004]

Take notice that on March 29, 1995, Eclipse Energy Inc. tendered for filing a letter reporting that no transactions occurred during the time period January 1, 1995 through March 31, 1995.

4. J. Aron & Co.

[Docket No. ER95–34–001]

Take notice that on March 29, 1995, J. Aron & Company tendered for filing a letter reporting that it did not engage

in any electric power purchases and sales during the calendar quarter ended December 31, 1994.

5. J. Aron & Co.

[Docket No. ER95–34–002]

Take notice that on March 29, 1995, J. Aron & Company tendered for filing an amendment in the above-referenced docket.

Comment date: May 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Commonwealth Edison Co.

[Docket Nos. ER95–371–001 and ER93–777–003]

Take notice that on March 24, 1995, Commonwealth Edison Company tendered for filing a compliance filing pursuant to the Commission's order of February 22, 1995 in the above-referenced docket.

Comment date: May 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Portland General Electric Company

[Docket No. ER95–797–000]

Take notice that on March 24, 1995, Portland General Electric Company (PGE) tendered for filing a Revision of the Integration of Resources Agreement (IR Agreement) Between Portland General Electric Company and the Bonneville Power Administration (BPA) relating to a new point of delivery associated with the Coyote Springs Generating Project. The IR Agreement is BPA Contract No. DE-MS79–894BP92273.

Comment date: May 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. UtiliCorp United Inc.

[Docket No. ER95–858–000]

Take notice that on April 3, 1995, UtiliCorp United Inc., tendered for filing on behalf of its operating division, Missouri Public Service, a service agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 10, with *Missouri Joint Municipal Electric Utility Commission (MEUC).*

UtiliCorp requests waiver of the Commission's Regulations to permit the service agreement to become effective in accordance with its terms.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket No. ER95–859–000]

Take notice that on April 3, 1995, UtiliCorp United Inc., tendered for filing on behalf of its operating division, Missouri Public Service, a service agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 10, with *NorAm Energy Services.* The service agreement provides for the sale of capacity and energy by Missouri Public Service to *NorAm Energy Services* pursuant to the tariff and for the sale of capacity and energy by *NorAm Energy Services* to Missouri Public Service pursuant to *NorAm Energy Services'* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a certificate of concurrence by *NorAm Energy Services.*

UtiliCorp requests waiver of the Commission's Regulations to permit the service agreement to become effective in accordance with its terms.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Atlantic City Electric Co.

[Docket No. ER95–860–000]

Take notice that on April 3, 1995, Atlantic City Electric Company (ACE), tendered for filing an Agreement for Short-Term Energy Transactions between ACE and Baltimore Gas and Electric Company. ACE requests that the Agreement be accepted to become effective April 4, 1995.

Copies of the filing were served on the New Jersey Board of Regulatory Commissioners.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Power & Light Co.

[Docket No. ER95–861–000]

Take notice that on April 3, 1995, Wisconsin Power & Light Company (WP&L), tendered for filing an amended Wholesale Power Agreement dated January 18, 1995, between the Village of Mazomanie and WP&L. WP&L states that this amended wholesale power agreement revises the previous agreement between the two parties dated December 4, 1980, and designated Rate Schedule No. 140 by the Commission.

The parties have executed this amended Wholesale Power Agreement to add an additional delivery point. Service under this amended Wholesale Power Agreement will be in accordance with standard WP&L Rate Schedule W–3.

WP&L requests that an effective date concurrent with the contract effective date be assigned. WP&L states that copies of the amended Wholesale Power Agreement and the filing have been provided to the Village of Mazomanie and the Public Service Commission of Wisconsin.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. West Texas Utilities Co.

[Docket No. ER95–862–000]

Take notice that on April 3, 1995, West Texas Utilities Company (WTU), submitted nine unexecuted Service Agreements establishing the City of Austin, Texas (City of Austin), the City of Brownsville, Texas (City of Brownsville), the City Public Service Board of San Antonio, Texas (City Public Service Board of San Antonio), Houston Lighting & Power Company (HL&P), Lower Colorado River Authority (LCRA), South Texas Electric Cooperative, Inc. (STEC), Texas Municipal Power Pool (TMPP), Texas-New Mexico Power Company (TNP) and Texas Utilities Electric Company (TU Electric) as customers under the terms of WTU's Coordination Sales Tariff CST–1 (CST–1 Tariff).

WTU requests an effective date of March 1, 1995, and accordingly, seeks waiver of the Commission's notice requirements. Copies of this filing were served upon the City of Austin, the City of Brownsville, the City Public Service Board of San Antonio, HL&P, LCRA, STEC, TMPP, TNP, TU Electric and the Public Utility Commission of Texas.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Mississippi Power Co.

[Docket No. ER95–863–000]

Take notice that on April 4, 1995, Mississippi Power Company, tendered for filing four Service Delivery Point Contracts with Coast Electric Power Association and South Mississippi Electric Power Association. The contracts were taken pursuant to Mississippi's Electric Tariff, First Revised Volume No. 1.

The contracts will permit the Company to provide wholesale, all-requirements electric service to Coast Electric Power Association and South Mississippi Electric Power Association at four new service delivery points.

Copies of the filing were served upon Coast Electric Power Association, South Mississippi Electric Power Association, the Mississippi Public Service Commission, and the Mississippi Public Utilities Staff.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Old Dominion Electric Cooperative

[Docket No. ER95–865–000]

Take notice that on April 4, 1995, Old Dominion Electric Cooperative (Old

Dominion), filed to make certain changes to the formula rate methodology as approved by this Commission for Old Dominion. The proposed changes are necessary to reflect (1) the termination of an agreement between Bear Island Paper Company and Old Dominion Electric Cooperative; (2) the acceptance of a new agreement between the aforementioned parties; (3) a revision to Note K as a consequence of the termination of the current agreement; (4) a deletion of Note P and discontinuance of the non-coincident demand charge contingent upon acceptance of the new agreement; and (5) the formula rate that will be effective with the approval of this submission. The proposed effective date of these changes is June 1, 1995.

Copies of this filing have been provided to each of the 12 Member distribution cooperatives, Bear Island Paper Company and all parties of record.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Arizona Public Service Company

[Docket No. ER95–866–000]

Take notice that on April 4, 1995, Arizona Public Service Company (APS), tendered for filing revised Exhibits applicable under the following rate schedules:

APS-FPC/FERC No.	Customer name	Exhibit
120	Southern California Edison Company	Exhibit B.
128	Electrical District No. 7	Exhibit "II".
143	Tonopah Irrigation District	Exhibit "II".

Current Rate levels are unaffected, revenue levels for the 12 months following the proposed effective date are unchanged from those currently on file with the Commission, and no other significant change in service to these or any other customer results from the revisions proposed herein. No new or modifications to existing facilities are required as a result of these revisions.

A copy of this filing has been served on the above customers, the California Public Utilities Commission and the Arizona Corporation Commission.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Northern States Power Co. (Minnesota)

[Docket No. ER95–867–000]

Take notice that on April 4, 1995, Northern States Power Company (Minnesota) (NSP), tendered for filing the Installation and Ownership Agreement between NSP and Minnkota Power Cooperative, Inc. (MPC) dated February 28, 1995. This agreement allows MPC to double circuit a quarter of a mile of an existing NSP transmission line between NSP's Prairie and Gateway substations.

NSP requests that the Commission accept for filing this agreement effective as of August 1, 1995. NSP requests that the Agreement be accepted as a supplement to Rate Schedule No. 284, the rate schedule for previously filed agreements between NSP and MPC.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. PECO Energy Co.

[Docket No. ER95–868–000]

Take notice that on April 4, 1995, PECO Energy Company (PECO), tendered for filing an Agreement between PECO and Ohio Edison Company (OE) dated March 23, 1995.

PECO states that the Agreement sets forth the terms and conditions for the sale of system energy which it expects to have available for sale from time to time and the purchase of which will be economically advantageous to OE. In order to optimize the economic advantage to both PECO and OE, PECO requests that the Commission waive its customary notice period and permit the agreement to become effective on April 7, 1995.

PECO states that a copy of this filing has been sent to OE and will be furnished to the Pennsylvania Public Utility Commission.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. K N Marketing, Inc.

[Docket No. ER95–869–000]

Take notice that on April 4, 1995, K N Marketing, Inc. (KNM), a Colorado corporation, petitioned the Commission for acceptance of KNM's Rate Schedule FERC No. 1, providing for the sale of electricity at market based rates; the granting of certain blanket approvals; and the waiver of certain Commission regulations. KNM is a wholly owned subsidiary of K N Energy, Inc. and is affiliated with K N Interstate Gas Transmission Co. and K N Wattenberg Transmission Limited Liability Company, interstate natural gas pipeline companies.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Milford Power Limited Partnership

[Docket No. ER95–870–000]

Take notice that on April 5, 1995, Milford Power Limited Partnership (MPLP), tendered for filing pursuant to 18 CFR 385.204 and 385.205 (1994), its proposed initial Rate Schedule No. 3.

The proposed Initial Rate Schedule No. 3 would allow MPLP to charge non-cost-based, negotiated rates for energy sales and short- and long-term sales of capacity and associated energy from its facility located in the town of Milford, Massachusetts, to Enron Power Marketing, Inc.

Comment date: May 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10031 Filed 4–21–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER95–78–000]

Mid-American Resources, Inc.; Notice of Issuance of Order

April 18, 1995.

On October 25, and November 17, 1994, and January 11, January 12, and February 22, 1995, Mid-American Resources, Inc. (MAR) submitted for filing a rate schedule under which will engage in wholesale electric power and energy transactions as a marketer. MAR also requested waiver of various Commission regulations. In particular, MAR requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by MAR.

On April 6, 1995, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by MAR should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, MAR is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of MAR's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 8, 1995.

Copies of the full text of the order are available from the Commission's Public Reference Branch, Room 3308, 941 North Capitol Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10030 Filed 4–21–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5194–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.),* this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Budget and Management (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before May 24, 1995.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740. Please refer to EPA ICR #1748.01.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: State Small Business Stationary Source Technical and Environmental Compliance Assistance Program-Annual Reporting Form (EPA No. 1748.01, OMB No. 2060–XXXX).

Abstract: This ICR is a new collection in support of the Clean Air Act Amendments of 1990 (the Act), Title V, section 507. All States, Puerto Rico, the Virgin Islands, and the District of Columbia must demonstrate compliance by fulfilling specific reporting and recordkeeping requirements. The information collected will be used by EPA to report to Congress as required under section 507 of the Act.

As part of the Act, section 507 requires that each state and territory mentioned above, establish a Small Business Stationary Source Technical And Environmental Compliance Assistance Program to assist small businesses to comply with the Act.

Annually, States, Puerto Rico, the Virgin Islands, and the District of Columbia must report: (1) Source of information, (2) organization description, (3) location of staffing within organization, (4) organizational budget, (5) source of funds and changes, (6) services provided, (7) activities conducted, (8) external assessment of information, (9) significant accomplishments, and (10) enforcement mechanisms.

Annually, all reporters must record: (1) The above information. This information must be maintained for 2 years.

Fifty States, Puerto Rico, the Virgin Islands, and the District of Columbia would be subject to this regulation. The data collected through this survey would be retained for 2 years.

Burden Statement: Public reporting burden for this collection of information is estimated to average 80 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collections of information. Total public burden is estimated to be 4,240 hours per year.

Respondents: All States, the territories of Puerto Rico and the Virgin Islands, and the District of Columbia.

Number of Respondents: 53

Number of Responses Per Respondent: 1

Estimated Total Annual Burden: 4,240 hours.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing burden (please refer to EPA ICR #1748.01 and OMB #2060–XXXX), to:

Sandy Farmer, EPA ICR #1748.01, U.S. Environmental Protection Agency, Regulatory Information Division (2136), 401 M St., SW., Washington, DC 20460 and

Chris Wolz, OMB #2060–XXXX, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503

Dated: April 18, 1995.

Joseph Retzer,

Chief, Regulatory Information Division.

[FR Doc. 95–10056 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5195–3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before May 24, 1995.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740. Please refer to EPA ICA #1063.06.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: New Source Performance Standard (NSPS) For Sewage Treatment Plant Incineration (subpart O) (EPA No. 1063.06, OMB No. 2060–0035).

Abstract: This ICR is for an extension of an existing information collection in support of NSPS requirements as established by the Clean Air Act (the Act), under the general NSPS requirements at 40 CFR 60.7–60.8 and the more specific requirements at 40 CFR 61.7 and 40 CFR 61.153–61.155. Owners or operators of facilities subject to the NSPS must demonstrate compliance by fulfilling specific monitoring, reporting, and recordkeeping requirements. The information collected will be used by EPA and State agencies for monitoring, inspection, and enforcement purposes.

Owners or operators of new plants must: (1) Notify EPA of the facility's construction and reconstruction, (2) provide EPA with the anticipated and actual start-up dates of the facility, (3) submit results of the initial performance test and the date of the test to EPA, and (4) notify EPA of the continuous monitoring system demonstration.

Owners and operators of all subject facilities must: (1) Notify EPA of any relevant physical or operational changes. Owners and operators must semiannually submit a report that includes: (1) The periods of 15 minutes or more during which the pressure of the wet scrubbing device fell below a specified level, (2) the average oxygen content in the incinerator exhaust gas for each period of 1 hour or more than it exceeds a specified level, and (3) periods of excess emission.

Owners and operators of all subject facilities must: (1) Continuously monitor and record the pressure drop, (2) monitor the amount of oxygen in the incinerator exhaust gases upstream of the emission control device, (3) maintain records of the occurrences and duration of startups, shutdowns and malfunctions, (4) maintain files on all measurements including performance test, (5) record mass or volume data from measuring device, and (6) record daily charging rates.

In addition, owners and operators of incinerators with particulate emissions exceeding 0.38 grams/kilogram dry sludge input must: (1) Continuously monitor and record the temperature profile of the incinerator and sludge feed rate to the incinerator, (2) measure and record the fuel consumed for each 8-hour period of incinerator operation, (3) record the moisture and volatile content of sludge being incinerated daily, (4) record the average scrubber pressure drop, and (5) record the average oxygen content of the incinerator exhaust over each one hour period. This information must be included in their semiannual report.

Owners or operators of facilities with control devices other than wet scrubbers must seek EPA approval by submitting a plan for monitoring and recording incinerator and control device operation parameters and report semiannually on the measurements as described in the approved plan.

An estimated average of 77 facilities will be subject to the regulations with an average growth of 3 facilities per year over the next three years. The data collected by the monitoring and recordkeeping systems would be retained at the facility for a minimum of 2 years.

Burden Statement: Public reporting burden for this collection of information is estimated to average 53 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collections of information. Public burden is estimated to average 8200 hours annually.

Respondents: Sewage treatment plant incinerators.

Estimated Number of Respondents: 77

Estimated Number of Responses Per Respondent: 2

Estimated Total Annual Burden on Respondents: 8200

Frequency of Collection: Semiannually for reporting requirements. Daily recordkeeping requirements.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, (please refer to EPA ICR #1063.06 and OMB #2060–0035) to:

Sandy Farmer, EPA ICR #1063.06, U.S. Environmental Protection Agency, Regulatory Information Division (2136), 401 M St., SW., Washington, DC 20460 and

Chris Wolz, OMB #2060–0035, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503

Dated: April 18, 1995.

Joseph Retzer,

Chief, Regulatory Information Division.

[FR Doc. 95–10057 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL–5195–8]

Review of the National Ambient Air Quality Standards for Ozone: Assessment of Scientific and Technical Information—OAQPS Staff Paper and Related Support Documents on Exposure and Risk Assessment

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Extension of public comment period.

SUMMARY: The EPA is announcing the extension of the public comment period on the first external review draft of Review of the National Ambient Air Quality Standards for Ozone: Assessment of Scientific and Technical Information—OAQPS Staff Paper. Concerns have been raised that due to the large volume of material contained in the Office of Air Quality Planning and Standards' (OAQPS') Staff Paper and related support documents, there might not be adequate time for concerned parties to complete a thorough review and provide meaningful comments. In the interest of encouraging full public participation in the review of national ambient air quality standards and to permit a thorough review of those documents upon which decisions on the ozone standards will be based, the EPA hereby extends the comment period from April 15, 1995 to May 15, 1995.

DATES: Written comments must be received on or before May 15, 1995.

ADDRESSES: Submit written comments on the external review draft OAQPS Staff Paper to Dr. David J. McKee, Air Quality Strategies and Standards Division (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Dr. McKee can also be reached by phone at (919) 541–5288 or by FAX at (919) 541–0237. Submit written comments on the draft exposure analysis reports and draft health risk assessment report to Mr. Harvey Richmond, Air Quality Strategies and Standards Division (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Mr. Richmond can also be reached by phone at (919) 541–5271 or by FAX at (919) 541–0824.

Dated: April 10, 1995.

John S. Seitz,

Director Office of Air Quality Planning and Standards.

[FR Doc. 95–10058 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–P

[ECAO–CD–0671; FRL–5195–5]

External Review Draft of the Revised Air Quality Criteria for Particulate Matter

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of external review draft.

SUMMARY: This notice announces the availability of an external review draft of a document, Air Quality Criteria for Particulate Matter, prepared by the U.S. Environmental Protection Agency's (EPA) Office of Research and Development (ORD), and invites comment from the public on the draft document. As discussed below, there will be only one opportunity for public written comment on the draft document.

DATES: The Agency plans to complete the external review draft and place copies in the EPA Air Docket (ECAO–CD–0671) and in the EPA Library by April 30, 1995. After duplication, bound copies will be available on or about May 8, 1995 from ORD's Publication Center. Comments on the draft document must be submitted in writing and be postmarked by August 1, 1995.

ADDRESSES: To obtain bound copies of all volumes of the external review draft document, interested parties should contact the ORD Publications Center, CERI–FRN, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; telephone (513) 569–7562; FAX (513) 569–7566; and request the external review draft of Air Quality Criteria for Particulate Matter (PM). Please provide your name and address, and the EPA document number, EPA 600/AP–95/001a–d.

The document will also be available electronically on the Agency's OAQPS TTN Bulletin Board. The telephone number of the bulletin board is (919) 541–5742. To access the TTN Bulletin Board, a modem and communications software will be necessary. The following parameters on the communications software are required: Data Bits—8; Parity—N; and Stop Bits—1. The document will be located under the Clean Air Act Amendments section of the menu. If assistance is needed in accessing the system, call the help desk at (919) 541–5384 in Research Triangle Park, NC. Copies of figures for some chapters (e.g., Chapter 6) may not be available by this electronic bulletin board, but can be obtained from the individual listed below under **FOR FURTHER INFORMATION CONTACT**.

The draft document will also be available starting on May 1, 1995 for public inspection in the EPA Air Docket (ECAO–CD–0671) and at the EPA Library, both in EPA Headquarters, Waterside Mall, 401 M Street SW., Washington, DC. EPA Air Docket hours in Room M1500 of Waterside Mall are 8 a.m. to 5:30 p.m., Monday through Friday, excluding holidays. EPA Library hours are 10 a.m. until 2 p.m., Monday through Friday, excluding holidays.

In addition to the Washington, DC locations previously mentioned, copies of the document will be available for public inspection at each of the 10 EPA Regional Libraries. The addresses of each of the EPA Regional Libraries are as listed at the end of this notice.

Comments on the draft should be sent to the Project Manager for the Air Quality Criteria for Particulate Matter, Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Diane Ray, Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541–3637.

SUPPLEMENTARY INFORMATION: As discussed in a previous call for information (59 FR 17375, April 12, 1994), EPA is undertaking to review and, where appropriate, update and revise the 1982 document, Air Quality Criteria for Particulate Matter and Sulfur Oxides and its 1986 addendum (EPA 600/8–82/029aF–cF; EPA 600/8–86/020F). As part of the process employed in preparing the revised particulate matter criteria document, initial drafts of chapters to be included in the document underwent preliminary peer review by non-EPA experts. This included peer review of several key chapters at a series of workshops in January, 1995 which were open to the public as announced in the **Federal Register** (60 FR 453, January 4, 1995) on January 4, 1995. Having incorporated revisions taking into account peer review comments on the initial draft chapters, EPA is making available for public review an external review draft of the revised document. Members of the public have the opportunity to submit written review comments during the comment period. EPA will consider all comments received within that period in preparing the final document.

The external review draft is being prepared under section 109(d) of the Clean Air Act, which requires periodic review and, as appropriate, revision of air quality criteria and national ambient air quality standards (NAAQS) for certain air pollutants. As announced at a public meeting of the Clean Air Scientific Advisory Committee (CASAC) in December 1994, a court order entered in *American Lung Association* v. *Browner,* No 93–643 (D. Ariz., Oct. 6, 1994), imposes a highly accelerated schedule for completion of EPA's current review of the air quality criteria and NAAQS for particulate matter. That schedule requires substantial departures from procedures followed in previous reviews of air quality criteria and NAAQS. Regarding revision of the criteria document in particular, there will be only one external review draft of the revised document, and there will be no extension of the deadline for public written comments on the draft. Accordingly, EPA urges interested parties to respond promptly to this opportunity for comment.

The draft document will also undergo peer review by CASAC at a public meeting to be held in Research Triangle Park, NC in August, 1995. Specific details on the site and dates of the meeting will be announced in a later **Federal Register** notice. Members of the public will also be afforded an opportunity to present brief oral comments on the draft document at the meeting.

EPA Regional Library Addresses

Library, U.S. EPA, Region 1, John F. Kennedy Federal Building, Boston, MA 02203

Library, U.S. EPA, Region 2, 26 Federal Plaza, Room 402, New York, NY 10278

Library, U.S. EPA, Region 3, 841 Chestnut Building, Philadelphia, PA 19107

Library, U.S. EPA, Region 4 (G6), 345 Courtland Street, NE, Atlanta, GA 30365

Library, U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, IL 60604–3507

Library, U.S. EPA, Region 6, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202–2733

Library, U.S. EPA, Region 7, 726 Minnesota Ave., Kansas City, KS 66101

Library, U.S. EPA, Region 8, 8PM–IML, 999 18th St., Suite 500, Denver, CO 80202–2405

Library, U.S. EPA, Region 9, MS: P–5–3, 75 Hawthorne Street, San Francisco, CA 94105

Library, U.S. EPA, Region 10, 1200 Sixth Avenue (MD–108), Seattle, WA 98101

Dated: April 13, 1995.

Joseph K. Alexander,

Acting Assistant Administrator for Research and Development.

[FR Doc. 95–10062 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5195–4]

Clean Air Act; Acid Rain Provisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of the 1995 EPA SO_2 allowance auctions results.

SUMMARY: Pursuant to Title IV of the Clean Air Act and 40 CFR part 73, the EPA is responsible for implementing a program to reduce emissions of sulfur dioxide (SO_2), a precursor of acid rain. The centerpiece of the SO_2 control program is the allocation of transferable allowances, or authorizations to emit SO_2, which are distributed in limited quantities to existing utility units and which eventually must be held by virtually all utility units to cover their SO_2 emissions. These allowances may be transferred among polluting sources and others, so that market forces may govern their ultimate use and distribution, resulting in the most cost-effective sharing of the emissions control burden. EPA is directed under section 416 of the Act to conduct annual sales and auctions of a small portion of allowances (2.8%) withheld from the total allowances allocated to utilities each year. Sales and auctions are expected to stimulate and support the allowance market and to provide a public source of allowances, particularly to new units for which no allowances are allocated. In the Fall of 1992, EPA delegated the administration of the EPA allowance auctions and sales to the Chicago Board of Trade (CBOT). Today, the Acid Rain Division is giving notice of the results of the third annual SO_2 allowance auctions that were conducted by the CBOT on March 27, 1995.

For rules governing the conduct of the auctions and sales see 40 CFR Part 73, Subpart E.

I. Offers

A. Total Allowances Available for Auction

In the spot auction (year 1995 allowances sold), a total of 58,306 allowances were offered for sale: 50,000 that were withheld from the utilities and an additional 8,306 that were voluntarily contributed from utilities. In the 6-year advance auction (year 2001 allowances sold), a total of 32,000 allowances were offered for sale: 25,000 that were unsold from the 1994 direct sale and an additional 7,000 that were contributed from utilities. In the 7-year advance auction (year 2002 allowances sold), a total of 107,000 allowances were offered for sale: 100,000 that were withheld from the utilities and an additional 7,000 that were contributed. The minimum prices that utilities would accept for their contributed allowances are listed in Table 1.

TABLE 1.—OFFER DATA FOR THE 1995 AUCTIONS

SPOT AUCTION OFFERS (1995)

Minimum price	Quantity	Cumulative total
* * * *	*600	600
$135.00	102	702
$140.00	102	804
$145.00	102	906
$145.00	600	1,506
$150.00	2,500	4,006
$155.00	2,500	6,506
$160.00	600	7,106
$170.00	600	7,706
$180.00	600	8,306

*600 allowances, with offer prices equal to or less than $130.00, were sold at $130.00.

6-YEAR ALLOWANCE AUCTION OFFERS (2001)

Minimum price	Quantity	Cumulative total
* * * *	*400	400
$140.00	400	800
$160.00	400	1,200
$180.00	400	1,600
$199.00	2,000	3,600
$200.00	400	4,000
$299.00	2,000	6,000
$399.00	1,000	7,000

*Three allowances, with offer prices equal to or less than $129.00, were sold at $129.00 and 397 allowances, with offer prices equal to or less than $128.00, were sold at $128.00.

7-YEAR ALLOWANCE AUCTION OFFERS (2002)

Minimum price	Quantity cumulative	Total
* * * *	*400	400
$135.00	*400	800
$155.00	400	1,200
$175.00	400	1,600
$195.00	2,000	2,000
$199.00	2,000	4,000
$299.00	1,000	6,000
$399.00	6,200	7,000

*400 allowances, with offer prices equal to or less than $126.00, were sold at $126.00.

II. Bids

A. Spot Auction Results

CBOT received 89 bids requesting 255,371 year 1995 allowances. There were 46 successful bids and 50,600 allowances were sold (50,000 withheld and 600 contributed). Spot auction proceeds totaled $6,676,386.

Per EPA regulations, unsuccessful bidders' names are not revealed.

TABLE 2.—SPOT AUCTION BIDS (1995)

Bid	Quantity	Bidder's name	Cumulative total
$350.00	1	New England School of Law Environmental Law Society	1
$210.00	1	Environmental Law Students Association	2
$200.00	1	Environmental Law Students Association	3
$200.00	1	Thomas M. Cooley Environmental Law Society	4
$200.00	5	University of Michigan Environmental Law Society	9
$180.00	1	Hamline University School of Law	10
$176.00	1	Duke University School of the Environment	11
$170.00	1	Hamline University School of Law	12
$170.00	1	Michael S. Hamilton	13
$160.00	1	Pollution Retirement Center	14
$153.00	1	L.J. O'Callaghan, Sr.	15
$151.00	21	IN.H.A.L.E./Glens Falls, NY Middle School	36
$150.00	2	Electric Software Products/David Gloski	38
$150.00	2	Electric Software Products/Alexander Long	40
$150.00	1	University of Maryland School of Law	41

TABLE 2.—SPOT AUCTION BIDS (1995)—Continued

Bid	Quantity	Bidder's name	Cumulative total
$146.00	5	National Healthy Air License Exchange	46
$142.00	10	National Healthy Air License Exchange	56
$141.00	50	Sam Peltzman Revocable Trust	106
$140.00	15	National Healthy Air License Exchange	121
$137.00	30	National Healthy Air License Exchange	151
$136.00	500	Hoosier Energy REC, Inc./Frank E. Ratts Plant Unit 1SG1	651
$136.00	500	Hoosier Energy REC, Inc./Frank E. Ratts Plant Unit 2SG1	1,151
$136.00	1,000	PECO Energy Company	2,151
$136.00	2,000	Virginia Power	4,151
$135.00	500	Marine Coal Sales Company	4,651
$135.00	30	National Healthy Air License Exchange	4,681
$135.00	1,000	PECO Energy Company	5,681
$134.00	1,000	PECO Energy Company	6,681
$133.00	5,000	Cantor Fitzgerald Brokerage, L.P.	11,681
$133.00	4,000	Duke Power Company	15,681
$133.00	30	National Healthy Air License Exchange	15,711
$133.00	1,000	PECO Energy Company	16,711
$133.00	2,000	Virginia Power	18,711
$132.00	12	CATEX Vitol Electric Inc.	18,723
$132.00	4,250	Duke Power Company	22,973
$132.00	1,000	PECO Energy Company	23,973
$131.00	3,000	Cantor Fitzgerald Brokerage, L.P.	26,973
$131.00	2,952	Detroit Edison Company	29,925
$131.00	4,500	Duke Power Company	34,425
$131.00	1,000	PECO Energy Company	35,425
$131.00	2,000	Virginia Power	37,425
*$130.00	15	National Healthy Air License Exchange	37,440
*$130.00	4,000	Canterbury Coal Company	41,440
*$130.00	2,000	PECO Energy Company	43,440
*$130.00	5,000	Duke Power Company	48,440
*$130.00	**25,000	Allowance Holdings Corporation	73,440
*$130.00	5,000		78,440
*$130.00	500		78,940
$129.00	6,000		84,940
$129.00	2,000		86,940
$128.00	8,000		94,940
$128.00	5,000		99,940
$128.00	2,000		101,940
$128.00	2,000		103,940
$127.00	10,500		114,440
$127.00	10		114,450
$127.00	5,000		119,450
$127.00	1,000		120,450
$126.00	7,750		128,200
$126.00	8,000		136,200
$126.00	2,000		138,200
$125.00	15,000		153,200
$125.00	120		153,320
$125.00	500		153,820
$125.00	1,250		155,070
$125.00	50		155,120
$125.00	1,000		156,120
$124.00	1,000		157,120
$123.00	5,000		162,120
$123.00	1,000		163,120
$122.00	1,000		164,120
$121.00	10,000		174,120
$121.00	3,000		177,120
$121.00	2,000		179,120
$121.00	1,000		180,120
$120.00	2,000		182,120
$120.00	1,000		183,120
$119.00	10,000		193,120
$118.00	1,250		194,370
$118.00	5,000		199,370
$117.00	10,000		209,370
$115.00	2,000		211,370
$115.00	10,000		221,370
$115.00	1,200		222,570
$112.00	15,000		237,570
$111.00	1,250		238,820

TABLE 2.—SPOT AUCTION BIDS (1995)—Continued

Bid	Quantity	Bidder's name	Cumulative total
$100.00	4,800		243,620
$50.00	11,750		255,370
$1.00	1		255,371

*Per EPA auction regulations on breaking ties, bids at the same price that exceed the number of remaining allowances are awarded allowances by lottery, the result of which is reflected in the table.
**Awarded a partial fill of 2,160 out of 25,000 (1,560 allowances from the EPA reserve and 600 offered allowances).

B. 6-Year Advance Auction Results

CBOT received 24 bids requesting 70,286 year 2001 allowances. Nine bids were successful and 25,400 allowances were sold (25,000 withheld and 400 contributed). 6-Year advance auction proceeds totaled $3,319,026.

TABLE 3.—6-YEAR ADVANCE AUCTION BIDS (2001)

Bid	Quantity	Bidder's name	Cumulative total
$160.00	1	University of Maryland School of Law	1
$150.00	1	University of Maryland School of Law	2
$150.00	1	Hamline University School of Law	3
$133.00	4,000	Duke Power Company	4,003
$132.00	4,250	Duke Power Company	8,253
$131.00	4,500	Duke Power Company	12,753
$130.00	5,000	Duke Power Company	17,753
$129.00	7,250*	Duke Power Company	25,003
$128.00	2,500**	Virginia Power	27,503
$126.00	656		28,159
$126.00	1,260		29,419
$126.00	2,500		31,919
$124.00	2,500		34,419
$123.00	718		35,137
$121.00	1,677		36,814
$120.00	2,500		39,314
$116.00	1,883		41,197
$111.00	2,089		43,286
$70.00	1,000		44,286
$67.00	10,000		54,286
$66.00	5,000		59,286
$65.00	5,000		64,286
$64.00	5,000		69,286
$63.00	1,000		70,286

*This bid was awarded 7,247 allowances from the EPA reserve and 3 offered allowances.
**Awarded a partial fill of 397 offered allowances.

C. 7-Year Advance Auction Results

CBOT received 37 bids requesting 236,928 year 2002 allowances. Seventeen bids were successful and 100,400 allowances were sold (100,000 withheld and 400 contributed). 7-Year advance auction proceeds totaled $12,839,884.

TABLE 4.—7-YEAR ADVANCE AUCTION BIDS (2002)

Bid	Quantity	Bidder's name	Cumulative total
$160.00	1	University of Maryland School of Law	1
$143.00	350	Paul Wedel	351
$133.00	4,000	Duke Power Company	4,351
$132.00	4,250	Duke Power Company	8,601
$131.00	4,500	Duke Power Company	13,101
$130.00	5,000	Duke Power Company	18,101
$129.00	1,000	United Power Association	19,101
$129.00	6,000	Duke Power Company	25,101
$128.00	8,000	Duke Power Company	33,101
$128.00	5,000	Virginia Power	38,101
$127.00	10,500	Duke Power Company	48,601
$127.00	30,000	Allowance Holdings Corporation	78,601
$126.00*	5,000	Virginia Power	83,601
$126.00*	1,000	United Power Association	84,601
$126.00*	5,041	Carolina Power & Light Company	89,642
$126.00*	2,625	Carolina Power & Light Company	92,267
$126.00*	11,000**	Duke Power Company	103,267

TABLE 4.—7-YEAR ADVANCE AUCTION BIDS (2002)—Continued

Bid	Quantity	Bidder's name	Cumulative total
$125.00	10,500		113,767
$124.00	8,000		121,767
$124.00	5,000		126,767
$123.00	6,000		132,767
$123.00	2,873		135,640
$122.00	5,000		140,640
$121.00	900		141,540
$121.00	4,500		146,040
$121.00	6,710		152,750
$120.00	10,538		163,288
$120.00	4,250		167,538
$120.00	5,000		172,538
$119.00	4,250		176,788
$118.00	4,250		181,038
$116.00	7,535		188,573
$111.00	8,355		196,928
$61.00	10,000		206,928
$60.00	10,000		216,928
$59.00	10,000		226,928
$58.00	10,000		236,928

*Per EPA auction regulations on breaking ties, bids at the same price that exceed the number of remaining allowances are awarded allowances by lottery, the result of which is reflected in the table.

*Awarded a partial fill of 8,133 (7,733 allowances from the EPA reserve and 400 offered allowances).

Proceeds from all three auctions totaled $22,835,296, all of which will be returned to the utilities from which allowances were withheld or offered, per EPA regulations.

FOR FURTHER INFORMATION CONTACT: Eugene Casey, EPA/OAP/Acid Rain Division (6204J), 401 M Street SW., Washington, DC 20460 (202) 233–9194.

Dated: April 13, 1995.

Brian J. McLean,

Director, Acid Rain Division.

[FR Doc. 95–10060 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5195–6]

Public Water System Supervision Program Revision for the State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Public notice is hereby given in accordance with the provisions of section 1413 the Safe Drinking Water Act as amended, 42 U.S.C. 300g–2, and 40 CFR Part 142, Subpart B-Primary Enforcement Responsibility, that the State of Colorado has revised its Public Water System Supervision (PWSS) Primacy Program. Colorado's PWSS program, administered by the Drinking Water Section of the Colorado Department of Public Health and Environment, has adopted regulations for surface water treatment, Phase II (7 inorganic and 26 organic chemicals), Phase IIb (1 inorganic and 4 organic chemicals), Phase V (5 inorganic and 18 organic chemicals), and lead and copper that correspond to the National Primary Drinking Water Regulations (NPDWR) in 40 CFR Part 141 for surface water treatment (54 FR 27486–27541 published on June 29, 1989), Phase II 56 FR 3526–3597 published on January 30, 1991), Phase IIb (56 FR 30266–30281 published on July 1, 1991), Phase V (**Federal Register** Vol. 57, No. 138, July 17, 1992, Pg. 31776–31849), and lead and copper (56 FR 26460–26564 published on June 7, 1991). The Environmental Protection Agency (EPA) has completed its review of Colorado's primacy revisions and has determined that they are no less stringent than the NPDWRs. EPA therefore approves Colorado's primacy revisions for Surface Water Treatment, Phase II, IIb, V, and Lead and Copper Rules. This determination shall become effective May 24, 1995.

Any interested parties are invited to submit written comments on this determination, and may request a public hearing on or before May 24, 1995. If a public hearing is requested and granted, this determination shall not become effective until such time following the hearing that the Regional Administrator issues an order affirming or rescinding this action.

Requests for a public hearing should be addressed to: William P. Yellowtail, Regional Administrator, c/o Marty Swickard (8WM–DW), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, CO 80202–2466.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register**

and in newspapers of general circulation in the State of Colorado. A notice will also be sent to the person(s) requesting the hearing as well as to the State of Colorado. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on May 24, 1995. Please bring this notice to the attention of any persons known by you to have an interest in this determination.

All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA Region VIII, Drinking Water Branch, 999 18th Street (4th floor), Denver, Colorado; (2) Colorado Department of Public Health and Environment, Drinking Water Section, 4300 Cherry Creek Drive South, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Marty Swickard, Drinking Water Branch, EPA Region VIII (8WM–DW), 999 18th Street, Suite 500, Denver, Colorado 80202–2466, telephone (303) 293–1629.

Dated: April 13, 1995.

Robert L. Duprey,

Acting Regional Administrator, EPA, Region VIII.

[FR Doc. 95–10061 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5191–7]

Public Water System Supervision Program Revision for the Commonwealth of Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commonwealth of Kentucky is revising its approved Public Water System Supervision Primacy Program. Kentucky has adopted drinking water regulations for Volatile Organic Chemicals, Synthetic Organic Chemicals and Inorganic Chemicals (known as the Phase II and Phase V Rules of the National Primary Drinking Water Regulations). Kentucky has also adopted drinking water regulations for lead and copper (known as the Lead and Copper Rule of the National Primary Drinking Water Regulations). EPA has determined that Kentucky's program revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve the revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by not later than May 24, 1995 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by not later than May 24, 1995, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his/her own motion, this determination shall become final and effective on May 24, 1995.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Kentucky Natural Resources and Environmental Protection Cabinet, Fort Boone Plaza, 14 Reilly Road, Frankfort, Kentucky 40601.

Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Philip H. Vorsatz, EPA, Region IV, Drinking Water Section at the Atlanta address given above or telephone (404) 347–2913.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 141 and 142 of the National Primary Drinking Water Regulations).

Dated: April 5, 1995.

Patrick M. Tobin,

Acting Regional Administrator, EPA, Region IV.

[FR Doc. 95–9381 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–P

[OPP–00407; FRL–4947–8]

State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees on Certification-Enforcement & Registration-Classification Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees on Certification-Enforcement and Registration-Classification will hold a 3–day meeting, beginning on Monday, May 1, 1995 and ending on Wednesday, May 3, 1995. This notice announces the location and times for the meetings and sets forth tentative agenda topics. The meetings are open to the public.

DATES: The SFIREG Working Committee on Certification-Enforcement will meet alone on Monday, May 1, 1995 from 8:30 a.m. to 4:30 p.m., the two Working Committees will meet together on Tuesday, May 2, 1995 from 8:30 a.m. to 5:00 p.m. The Working Committee on Registration-Classification will meet alone on Wednesday, May 3, 1995 from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at: Hyatt Regency Hotel, 320 West Jefferson, Louisville, KY 40202, (502) 587–3434.

FOR FURTHER INFORMATION CONTACT: By mail: Shirley M. Howard, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Office location and telephone number: Rm. 1101, Crystal Mall No. 2, 1921 Jefferson-Davis Highway, Arlington, VA 22202 (703) 305–5306.

SUPPLEMENTARY INFORMATION: The tentative agenda of the SFIREG Working Committee on Certification-Enforcement includes the following:

1. Update on cross contamination.
2. Status of the National Enforcement Investigations Center (NEIC).
3. Laboratory issues activity discussion.
4. Update on Certification & Training Funds for Uncertified Applicators.
5. Update on EPA's Special review of triazines.

6. Discussion of Agency Performance Partnership Grants and OECA-OPP Grants.

7. Other topics as appropriate.

The agenda for the joint session of the SFIREG Working Committees on Certification-Enforcement and Registration-Classification includes the following:

1. Impact of the proposed Office of Pesticide Programs' Re-organization.

2. Regulatory Reinvention Initiative Discussion.

3. Committee and regional reports.

4. Update on special local needs registrations for seed crops.

5. Other topics as appropriate.

The agenda for the SFIREG Working Committee on Registration-Classification includes the following:

1. Update on labeling issues.

2. Streamlining section 18 regulations and procedures.

3. Update on experimental use permits and reduced risk pesticides.

4. Update on pesticidal plants.

5. Tolerance revocation and minor crop use discussion.

6. Status of the 24(c) Guidance document.

7. Other topics as appropriate.

List of Subjects

Environmental protection.

Dated: April 17, 1995.

William L. Jordan,

Acting Director, Field Operations Division, Office of Pesticide Programs.

[FR Doc. 95–10055 Filed 4–21–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

Changes to the Hotel and Motel Fire Safety Act National Master List

AGENCY: United States Fire Administration, FEMA.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA or Agency) gives notice of additions and corrections/changes to, and deletions from, the national master list of places of public accommodations which meet the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act.

EFFECTIVE DATE: May 24, 1995.

ADDRESSES: Comments on the master list are invited and may be addressed to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, D.C. 20472, (fax) (202) 646–4536. To be added to the National Master List, or to make any other change to the list, please see Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: John Ottoson, Fire Management Programs Branch, United States Fire Administration, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1272.

SUPPLEMENTARY INFORMATION: Acting under the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. 2201 note, the United States Fire Administration has worked with each State to compile a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines under the Act. FEMA published the national master list in the **Federal Register** on Friday, December 2, 1994, 59 FR 61932, with corrections published Monday, February 27, 1995, 60 FR 10636, and published changes approximately monthly since then.

Parties wishing to be added to the National Master List, or to make any other change, should contact the State office or official responsible for compiling listings of properties which comply with the Hotel and Motel Fire Safety Act. A list of State contacts was published in 59 FR 50132 on September 30, 1994. If the published list is unavailable to you, the State Fire Marshal's office can direct you to the appropriate office. Periodically FEMA will update and redistribute the national master list to incorporate additions and corrections/changes to the list, and deletions from the list, that are received from the State offices.

Each update contains or may contain three categories: ''Additions;'' ''Corrections/changes;'' and ''Deletions.'' For the purposes of the updates, the three categories mean and include the following:

''Additions'' are either names of properties submitted by a State but inadvertently omitted from the initial master list or names of properties submitted by a State after publication of the initial master list;

''Corrections/changes'' are corrections to property names, addresses or telephone numbers previously published or changes to previously published information directed by the State, such as changes of address or telephone numbers, or spelling corrections; and

''Deletions'' are entries previously submitted by a State and published in the national master list or an update to the national master list, but subsequently removed from the list at the direction of the State.

Copies of the national master list and its updates may be obtained by writing to the Government Printing Office, Superintendent of Documents, Washington, DC 20402–9325. When requesting copies please refer to stock number 069–001–00049–1.

The update to the national master list follows below.

Dated: April 18, 1995.

John P. Carey,

General Counsel.

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST 04/17/95 UPDATE

Index	Property name	PO Box/Rt No., Street Address	City	State/ZIP	Telephone
Additions					
Alaska					
AK0043	Marina Motel	1603 Seward Hwy	Seward	AK 99664	(907) 224–5518
California					
CA1445	Bahia Resort Hotel	998 West Mission Bay Drive.	San Diego	CA 92109	(619) 488–0551
CA1446	Holiday Inn—San Diego Bayside.	4875 N. Harbor Dr	San Diego	CA 92106	(619) 224–3621
Florida					
FL4266	Hawthorne Suites Hotel.	6435 Westwood Blvd	Orlando	FL 32821	(407) 351–6600

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST 04/17/95 UPDATE—Continued

Index	Property name	PO Box/Rt No., Street Address	City	State/ZIP	Telephone
Illinois					
IL0543	Fairfield Inn Galesburg.	901 West Carl Sandburg Drive.	Galesburg	IL 61401	(309) 344–1911
IL0545	Residence Inn By Marriott Chicago O'Hare.	9450 W. Lawrence Ave.	Schiller Park	IL 60176	(708) 678–2210
IL0544	Clubhouse Inn	630 Pasquinelli Drive	Westmont	IL 60559	(708) 920–2200
Kansas					
KS0157	Clubhouse Inn	924 South West Henderson.	Topeka	KS 666150000	(913) 273–8888
Massachusetts					
MA0258	Ramada Inn	929 Higham St	Rockland	MA 02370	(617) 871–0545
MA0257	Wyndham Garden Hotel—Waltham.	420 Totten Pond Rd	Waltham	MA 02154	(617) 890–0100
Michigan					
MI0315	Budgetel Inn	4725 Beckley Rd	Battle Creek	MI 49017	(617) 979–5400
MI0317	Lake View Hotel	PO Box 190, 1 Huron St.	Mackinac Island	MI 49757	(906) 847–3384
MI0316	Hampton Inn	27500 Northwestern Hwy.	Southfield	MI 48034	(313) 356–5500
North Carolina					
NC0360	Charlotte Hilton Executive Park.	5624 Westpark Drive	Charlotte	NC 28217	(704) 527–8000
New Jersey					
NJ0207	Hilton At Cherry Hill	2349 W. Marlton Pk	Cherry Hill	NJ 08002	(609) 665–6666
NJ0210	The Inn At Clarke, Inc. (Ramada Clark).	36 Valley Rd	Clark	NJ 07066	(908) 574–0100
NJ0206	Radisson Hotel Newark Airport.	128 Frontage Rd	Newark	NJ 07114	(201) 690–5500
NJ0209	Union Motor Lodge	2735 Rt. 22 W	Union	NJ 07083	(908) 687–8600
NJ0208	Howard Johnson—Wayne.	1850 Route 23 and Ratzer Rd.	Wayne	NJ 07470	(201) 696–8050
New York					
NY0610	Ramada Inn Downtown Albany.	300 Broadway	Albany	NY 12207	(518) 434–4111
NY0608	Budget Host/AmeriCana Motor Inn.	9401 Niagara Falls Blvd.	Niagara Falls	NY 14304	(716) 297–2660
NY0609	Courtyard By Marriott—Rochester East.	1000 Linden Park	Rochester	NY 14625	(716) 385–1000
Oregon					
OR0192	Capt. John's Motel	8016 Kingfisher Dr	Charleston	OR97420	(503) 888–4041
OR0193	Gracie's Landing Bed & Breakfast Inn.	235 SE Bay Vies Ave	Depoe Bay	OR 97341	(503) 765–2322
OR0191	Phoenix Inn	850 Franklin Blvd	Eugene	OR 97401	(503) 669–6500
OR0195	Salishan Lodge	7760 Hwy 101 N	Gleneden Beach	OR 97388	(503) 764–2371
OR0190	Phoenix Inn	14905 SW Bangy Rd	Lake Oswego	OR 97034	(503) 624–7400
OR0194	Red Lion/Medford	200 North Riverside	Medford	OR 97501	(503) 779–5811
OR0196	Howard Johnson	7101 NE 82nd Ave	Portland	OR 97220	(503) 255–6722
OR0189	Phoenix Inn	4370 Commercial St. SE.	Salem	OR 97302	(503) 588–9220
Pennsylvania					
PA0432	Days Inn Harrisburg North.	3919 N. Front St	Harrisburg	PA 17110	(717) 233–3100
Tennessee					
TN0272	Comfort Inn North	I–24, Exit 4, 111 Westfield Dr.	Clarksville	TN 37040	(615) 647–6144
TN0271	Best Western Dayton	7835 Rhea County Hwy.	Dayton	TN 37321	(615) 775–6560
TN0273	Red Fox Lodge, LLC	Camp Ozone Rd	Ozone	TN 37842	(615) 584–4444
TN0270	Best Western Travelers Inn.	1297 E Wood St	Paris	TN 38242	(901) 642–8881
Texas					
TX0637	Ramada Inn West	6801 I–40 West	Amarillo	TX 79106	(806) 358–7881

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST 04/17/95 UPDATE—Continued

Index	Property name	PO Box/Rt No., Street Address	City	State/ZIP	Telephone
TX0636	Edinburg Executive Inn.	2006 S. Closner Blvd	Edinburg	TX 78539	(210) 380–6201
Virginia					
VA0616	Ramada Inn	4641 Kenmore Avenue.	Alexandria	VA 22304	(703) 751–4510
VA0612	Super 8 Motel—Appomattox.	Rt. 4, Box 100	Appomattox	VA 24522	(804) 352–2339
VA0614	Super 8 Motel—Bristol.	2139 Lee Hwy	Bristol	VA 24201	(703) 466–8800
VA0628	Super 8 Motel—Churchland.	3216 Churchland Blvd	Chesapeake	VA 23321	(804) 686–8888
VA0618	Holiday Inn—Fair Oaks.	11787 Lee Jackson Mem Hwy.	Fairfax	VA 22033	(703) 352–2525
VA0613	Super 8 Motel—Farmville.	6 Box 1755, Highway 15 South.	Farmville	VA 23901	(804) 392–8196
VA0620	Super 8 Motel—Franklin.	1599 Armory Dr	Franklin	VA 23851	(804) 562–2888
VA0611	Super 8 Motel—Fredericksburg.	3002 Mall Court	Fredericksburg	VA 22401	(703) 786–8881
VA0621	Super 8 Motel—Hampton.	1330 Thomas St	Hampton	VA 23669	(804) 723–2888
VA0622	Super 8 Motel—Clyde Morris.	945 J. Clyde Morris Blvd.	Newport News	VA 23601	(804) 595–8888
VA0623	Super 8 Motel—Jefferson.	6105 Jefferson Ave	Newport News	VA 23605	(804) 825–1422
VA0624	Super 8 Motel—Portsmouth.	925 London Blvd	Portsmouth	VA 23704	(804) 398–0612
VA0625	Super 8 Motel—Airport.	5110 Williamsburg Rd	Richmond	VA 23231	(804) 222–8008
VA0627	Super 8 Motel—Chamberlayne.	5615 Chamberlayne Rd.	Richmond	VA 23227	(804) 262–8880
VA0626	Super 8 Motel—Midlothian.	8260 Midlothian Turnpike.	Richmond	VA 23235	(804) 320–2823
VA0629	Super 8 Motel—Suffolk.	633 N Main St	Suffolk	VA 23434	(804) 925–0922

Changes/Corrections

Florida					
FL3280	Adam's Mark Caribbean Gulf Resort.	430 S. Gulfview Blvd	Clearwater Beach	FL 346302598	(813) 443–5714
FL0331	Wakulla Motel, Inc	3550 N. Atlantic Ave	Cocoa Beach	FL 32931	(407) 783–2230
FL0821	Comfort Suites Deerfield.	1040 E. Newport Center Dr.	Deerfield Beach	FL 33442	(305) 570–8887
FL0822	Quality Suites Deerfield.	1050 E. Newport Center Dr.	Deerfield Beach	FL 33442	(305) 570–8888
FL4248	Wyndham Garden Hotel—Lake Buena Vista.	8688 Palm Pkwy	Lake Buena Vista	FL 32830	(407) 239–8500
FL1617	Knights Inn Pensacola.	1953 Northcross Ln	Pensacola	FL 32514	(904) 477–2554
FL1857	Wyndham Harbour Island Hotel.	725 S. Harbour Island Blvd.	Tampa	FL 336025731	(813) 229–5000
Illinois					
IL0265	Wyndham Garden Hotel O'Hare Plaza.	5615 N. Cumberland	Chicago	IL 60631	(312) 693–5800
IL0406	Wyndham Wood Dale	1200 N. Mittel Blvd	Wood Dale	IL 60191	(708) 860–2900
Kansas					
KS0155	Wichita Airport Hilton/Conference Center.	2098 Airport Road	Wichita	KS 672090000	(316) 945–5272
New Jersey					
NJ0191	Clarion Hotel and Conference Center.	2055 Lincoln Hwy	Edison	NJ 08817	(908) 526–1861
Tennessee					
TN0269	Budget Host Inn	395 Main St	Kimball	TN 37347	(615) 837–7815
TN0045	Hyatt Regency Knoxville.	500 Hill Ave. S.E	Knoxville	TN 37915	(615) 637–1234

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST 04/17/95 UPDATE—Continued

Index	Property name	PO Box/Rt No., Street Address	City	State/ZIP	Telephone
TN0078	Residence Inn By Marriott.	6141 Poplar Pk	Memphis	TN 38119	(901) 685–9595
TN0088	Best Western Calumet Inn Lakeview.	701 Stewarts Ferry Pk.	Nashville	TN 37214	(615) 889–9199
TN0089	Budgetel Inn	531 Donelson Pk	Nashville	TN 37214	(615) 885–3100
TN0099	Hampton Inn North	2407 Brick Church Pk	Nashville	TN 37207	(615) 226–3300
TN0101	Holiday Inn Briley Parkway.	2200 Elm Hill Pk	Nashville	TN 37214	(615) 883–9770
TN0112	Residence Inn By Marriott.	2300 Elm Hill Pk	Nashville	TN 37214	(615) 889–8600
TN0114	Sheraton Music City Hotel.	777 McGavock Pk	Nashville	TN 37214	(615) 885–2200
TN0261	Apple Valley Comfort Inn.	1850 Pkwy	Sevierville	TN 37862	(615) 428–1069
TN0170	Hampton Inn	PO Box 28, 7829 E. Lamar Alexander Pkwy.	Towsend	TN 37882	(615) 448–9000
Deletions					
Tennessee					
TN0225	Comfort Suites	2615 Elm Hill Pk	Nashville	TN 37214	(615) 883–0114
TN0102	Holiday Inn Crowne Plaza.	623 Union St	Nashville	TN 37219	(615) 259–2000

[FR Doc. 95–10043 Filed 4–21–95; 8:45 am]

BILLING CODE 6718–26–M

FEDERAL RESERVE SYSTEM

WSB Bancorp; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is 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 to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than May 4, 1995.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. WSB Bancorp, Bellingham, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Whatcom State Bank, Ferndale, Washington.

Board of Governors of the Federal Reserve System, April 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10020 Filed 4–21–95; 8:45 am]

BILLING CODE 6210–01–F

First Union Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is 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 question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 9, 1995.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First Union Corporation, Charlotte, North Carolina; to acquire United Financial Corporation of South Carolina, Inc., Greenwood, South Carolina, and thereby indirectly acquire United Savings, FSB, Greenwood, South Carolina, and Home Federal Savings Bank of South Carolina, Rock Hill, South Carolina, and thereby engage in operating a federal savings bank holding company and its subsidiary federal savings banks, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10021 Filed 4–21–95; 8:45 am]

BILLING CODE 6210–01–F

Henderson Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is 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 to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than May 19, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Henderson Bancshares, Inc., Troy, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Troy Bank & Trust Company, Troy, Alabama.

Board of Governors of the Federal Reserve System, April 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10022 Filed 4–21–95; 8:45 am]

BILLING CODE 6210–01–F

James L. Ryan; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than May 9, 1995.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. James L. Ryan, Orinda, California; to acquire an additional 2.32 percent, for a total of 10.65 percent, of the voting shares of BWC Financial Corp., Walnut Creek, California, and thereby indirectly acquire Bank of Walnut Creek, Walnut Creek, California.

Board of Governors of the Federal Reserve System, April 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10023 Filed 4–21–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

White House Conference on Aging

AGENCY: White House Conference on Aging, AoA, HHS.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to Title II of the Older Americans Act Amendments of 1987, Public Law 100–175 as amended by Public Law 102–375 and Public Law 103–171, that the 1995 White House Conference on Aging Disability Advisory Committee will hold a meeting on Tuesday, May 2, 1995. The meeting will be held at the Washington Hilton and Towers Hotel on Connecticut Avenue at Columbia Road, NW in Washington, DC. More specific information on the time of the meeting and the room at the hotel can be obtained by calling the telephone number given below.

The meeting of the Committee shall be open to the public. The proposed agenda includes discussion of how the Committee can assist with planning for the Conference, and then implementing and reviewing it, providing leadership and guidance on disability issues as they relate to aging. The committee will focus particularly on post-conference activities.

Records shall be kept of all Committee proceedings and shall be available for public inspection at 501 School Street SW., 8th Floor, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: White House Conference on Aging, 501 School Street SW., 8th Floor, Washington, DC 20024; telephone (202) 245–7116.

Dated: April 18, 1995.

Fernando M. Torres-Gil,

Assistant Secretary for Aging.

[FR Doc. 95–9964 Filed 4–21–95; 8:45 am]

BILLING CODE 4130–02–M

Turning Resolutions into Results: Building the Legacy of the 1995 White House Conference on Aging

AGENCY: White House Conference on Aging, AoA, HHS.

ACTION: Notice; extension of deadline.

SUMMARY: The February 28, 1995 edition of the **Federal Register** (Vol. 60, No. 39) announces two categories of post-Conference activities devised to ensure the implementation of resolutions announced at the 1995 White House Conference on Aging (WHCoA). First, organizations may sponsor post-Conference events under the auspices of the White House Conference on Aging, provided that they meet requirements set forth in Part VI of the February 28 **Federal Register**. These requirements include submitting a letter of intent describing the event to the Executive Director of the WHCoA for approval. Second, individuals and organizations may submit public comments that address the practical aspects of resolution implementation.

This notice announces an extension of the deadlines for these activities. In

regard to post-Conference events, letters of intent may be submitted until June 30, 1995. Reports from these events and public comments will now be accepted until November 15, 1995.

FOR FURTHER INFORMATION CONTACT: Karen Goldmeier, White House Conference on Aging, 501 School Street, SW, 8th Floor, Washington, DC 20024–2755, phone (202) 245–7116.

Dated: April 18, 1995.

Fernando M. Torres-Gil,

Assistant Secretary for Aging.

[FR Doc. 95–9963 Filed 4–21–95; 8:45 am]

BILLING CODE 4130–02–M

Administration for Children and Families

[Program Announcement No. 93630–95–1]

Administration on Developmental Disabilities: Availability of Financial Assistance for American Indian Consortiums to Provide Protection and Advocacy Services for Fiscal Year 1995

AGENCY: Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), Department of Health and Human Services (DHHS).

ACTION: Announcement of the availability of funds for American Indian Consortiums to provide Protection and Advocacy (P&A) services for Fiscal Year 1995.

SUMMARY: The Administration on Developmental Disabilities, Administration for Children and Families, announces the availability of fiscal year 1995 funding for two American Indian Consortiums. Financial funding provided by ADD to American Indian Consortiums is designed to provide P&A services to Native Americans with developmental disabilities.

DATES: The closing date for submittal of applications is June 8, 1995.

ADDRESSES: Applications should be mailed to: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, Room 329–D, HHH Building, 200 Independence Avenue SW., Washington, DC 20201, Attn: 93.630–95–1 American Indian Consortium.

Hand delivered applications are accepted during the normal working hours of 8 a.m. to 4:30 p.m. Monday through Friday, on or prior to the established closing date at the above address.

FOR FURTHER INFORMATION CONTACT: Isadora Wills, Division of Program Operations, Administration on Developmental Disabilities, (202) 690–5791.

SUPPLEMENTARY INFORMATION:

Part I. Program Purpose

The Administration on Developmental Disabilities is the lead agency within ACF and DHHS responsible for planning and administering programs which promote the self-sufficiency and protect the rights of individuals with developmental disabilities.

The 1994 Amendments (Pub. L. 103–230) to the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 *et seq.*) (the Act) authorizes assistance to States and public and private nonprofit agencies and organizations to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity and integration and inclusion into the community.

Programs Funded Under the Act Are:

- Federal assistance to State developmental disabilities councils;
- State system for the protection and advocacy of individual rights;
- Grants to university affiliated programs for interdisciplinary training, exemplary services, technical assistance, and information dissemination; and
- Grants for Projects of National Significance.

Part II. General Information for P&A Consortium

Based on section 142(b) of the Act (42 U.S.C. 6042(b)), an American Indian Consortium established to provide protection and advocacy services under Part C of the Act may submit an application to the Secretary to receive funding pursuant to section 142(c)(5). Such consortium shall coordinate activities with existing P&A systems.

Currently, the States' have difficulties which prohibit the P&A systems from adequately serving large populations of American Indians who reside in isolated, expansive reservations. Despite their efforts, P&A systems in these States have not been able to overcome linguistic, geographic and cultural barriers in order to provide adequate protection and advocacy services to these populations. The American Indian Consortium will help alleviate this problem by allowing certain tribes to join together and apply to the Secretary for a Consortium award similar to those received by the territories. It is expected that the Consortium, when established, will work cooperatively with the existing P&A systems in the States where the Consortium operates and develop cooperative agreements on how to best serve Native Americans with developmental disabilities.

For the purpose of this announcement an American Indian Consortium is ''any confederation of two or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in two or more States.'' (section 102(1) (42 U.S.C. 6001(1)).

Part III. P&A Description and Requirements for Consortiums

A. Under the Act categorical grants are made to States and American Indian Consortiums for the protection and advocacy of individual rights through P&A systems. Systems must advocate on behalf of, and provide services to, all persons who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements. The P&A systems have been expanding their efforts on behalf of institutionalized people, with special attention on behalf of minorities and other traditionally underserved populations. Typically, these systems provide direct services to clients during a fiscal year, and also provide information and referral services to others. Assistance is provided for education, habilitation services, financial entitlement, consent, architectural barriers removal, day care, employment, rights or privacy, abuse and neglect cases, sterilization, transportation, voting and zoning.

B. Statutory Authority

The Developmental Disabilities Assistance and Bill of Rights Act, as amended, 42 U.S.C. 6000 et seq.

C. Funding Period

In Fiscal Year 1995, ADD has set aside approximate $272,322 for funding two American Indian Consortiums. Each grant will be approximate $136,161. As specified in 45 CFR 1386.2 of the ADD regulations, Fiscal Year 1995 funds must be obligated by September 30, 1996. These funds must be liquidated by September 30, 1997, in accordance with 45 CFR 1386.3 of the ADD regulations. Funding is authorized through Fiscal Year 1996.

Part IV. Specific Responsibilities of the Applicant

An applicant under this announcement must:

A. Provide the resolutions from the participating tribes designating the applicant to operate the Protection and Advocacy system, to receive the federal funds available for this program, and to be responsible for reporting and accounting for such funds to ADD.

B. Indicate that the System shall have the authority to:

1. Pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with developmental disabilities within the exterior boundaries of the Tribes who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to enrolled members of the Tribes (142(a)(2)(A)(i));

2. Provide information on and referral to programs and services addressing the needs of persons with developmental disabilities (142(a)(2)(A)(ii));

3. Investigate incidents of abuse and neglect of persons with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred (142(a)(2)(B)); and

4. Educate policymakers (142(a)(2)(K)).

C. Specify that the system, on an annual basis:

1. Develops a statement of objectives and priorities for the system's activities (142(a)(2)(C)); and

2. Provide to the public including individuals with developmental disabilities attributable to either physical impairment, mental impairments, and their representatives, as appropriate, or a combination of physical or mental impairments, non-Tribal agency representatives, and non-State agency representatives of the State Developmental Disabilities Council, and the university affiliated program (if applicable within a State,) an opportunity to comment on—

(a) The objectives and priorities established by the system and the rationale for the establishment of such objectives; and

(b) The activities of the system, including the coordination with the advocacy programs under the Rehabilitation Act of 1973, the Older Americans Act of 1965, and the Protection and Advocacy for Mentally Ill Individual Act of 1986 and with other related programs, including the parent training and information centers, education ombudsman programs and assistive technology projects (142(a)(2)(D)).

D. Demonstrate that the system:

1. Has or will establish a grievance procedure for clients or prospective clients of the system to assure that persons with developmental disabilities have full access to services of the system (142(a)(2)(E));

2. Is not being administered by the State Developmental Disabilities Council authorized under Part B (142(a)(2)(F));

3. Is independent of any agency which provides treatment, services, or habilitation to individuals with developmental disabilities (142(a)(2)(G));

4. Has access at reasonable times and locations to any resident who is an individual with a developmental disability in a facility that is providing services, supports, and other assistance to such a resident (142(a)(2)(H));

5. Has access to all records of—

(a) Any individual with developmental disabilities who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access (142(a)(2)(I)(i));

(b) Any individual with developmental disabilities—

(i) Who, by reason of such individual's mental or physical condition, is unable to authorize the system to have access (142(a)(2)(I)(ii)(I));

(ii) Who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the Tribe (142(a)(2)(I)(ii)(II)); and

(iii) With respect to whom a complaint has been received by the system or with respect to whom as a result of monitoring or other activities there is probable cause to believe that such individual has been subject to abuse or neglect (142(a)(2)(I)(ii)(III)); and

(c) Any individual with a developmental disability who has a legal guardian, conservator, or other legal representative with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy whenever—

(i) Such representative has been contacted by the system upon receipt of the name and address of such representative (142(a)(2)(I)(iii)(I));

(ii) The system has offered assistance to such representative to resolve the situation (142(a)(2)(I)(iii)(II)); and

(iii) Such representative have failed or refused to act on behalf of the individual (142(a)(2)(I)(iii)(III));

6. Has hired and maintains sufficient numbers and types of staff, qualified by training and experience, to carry out such system's function except that such system shall not apply hiring freezes, reductions in force, or prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the system from carrying out its functions under the Act (142(a)(2)(J));

7. Will provide assurances to the Secretary that funds awarded to the consortium under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds (142(a)(2)(L)); and

8. Will submit to: Administration on Developmental Disabilities, Division of Program Operation, Room 329–D, HHH Building, 200 Independence Avenue, SW, Washington, DC 20201 the following reports: Financial status reports (269s) bi-annually, Program Performance Report (PPRs) annually and the Statement of Objectives and Priorities (SOPs) annually.

E. Describe how the system will assure that a multimember governing board is selected according to the policies and procedures of the system except that—

1. The governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system and include individuals with developmental disabilities who are eligible for services, or have received or are receiving services, or parents, family member, guardians, advocates, or authorized representative of such individuals;

2. Not more than ⅓ of the membership of the governing board may be appointed by the chief executive officers of the tribes involved, in the case of any tribe in which such officer has the authority to appoint the membership of the board; and

3. Any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs.

Part V. Intergovernmental Review of Federal Programs

This program is covered by the State Plan Consolidation Section of E.O. 12372, but is excluded from intergovernmental consultation review.

Part VI. The Application Process

A. Application Submission

To be considered as an applicant for an allotment, interested Consortiums must submit an application to the Administration for Children and Families at the address specified in the Program Announcement. There is no application kit; the Consortium's applications may be in a format chosen by the applicant. It must, however contain resolutions from two or more tribes and be signed by an individual authorized to act for the applicant and to assume responsibility for the obligations imposed by the terms and conditions of the grant award and contain the following:

1. The name and Employer Identification Number (EIN) of the agency designated by the Tribes to implement the Protection and Advocacy system.

2. The name address, and telephone number of the director of the system or a contact person, if different from the director.

3. Assurances that:

a. One signed original and two copies of the application including all attachments, have been submitted on or before June 8, 1995 to: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, Room 329–D, HHH Building, 200 Independence Avenue SW., Washington, DC 20201, Attn: 93.630–95–1 American Indian Consortium.

b. Not more than five percent of the total funds will be used for monitoring the administration of the system.

4. Appropriate Certifications:

a. *Non-Profit Status.* Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

b. Applicants requesting financial assistance for a non-construction project must file the Standard Form 424B, ''Assurances: Non-Construction Programs.'' Applicants must sign and return the Standard Form 424B with their applications.

c. *Lobbying.* Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

d. *Compliance with the Drug-Free Workplace Act of 1988.* By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

c. *Debarment, suspension or otherwise ineligible for award.* By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications. Copies of the certifications and assurance are located at the end of this announcement.

d. *Certification regarding environmental tobacco smoke.* By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

B. Application Consideration

The Commissioner of the Administration on Developmental Disabilities determines the final action to be taken with respect to each application received under this announcement. The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review. Applicants will be notified in writing of any such determinations by ADD.
- The Commissioner's funding decision takes into account the analysis of the application, recommendation and comments of the Federal reviewing officials.
- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and regulatory requirements, this program announcement, and the availability of funds.

Part VII. Review Process and Criteria

Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a pre-review to determine:

- That the applicant is eligible in accordance with the definition of an American Indian Consortium in Part II; and
- That the application forms and materials submitted are adequate to allow an indepth evaluation (all required materials and forms are included in this announcement)

Competing application from Consortiums will be reviewed and evaluated against the following criteria.

A. Objectives and Priorities (60 points)

The applicant's description of objectives and priorities to be established. Information provided in response to the items under Part IV of this announcement ''Specific Responsibilities of the Applicant'' will be used to review and evaluate applications.

B. Approach (40 points)

The applicants description of the system's operations/approach toward accomplishing the objectives and priorities. Evidence of the applicant's ability to manage a P&A System is well defined.

Part VII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations including program announcements. This program announcement does not contain information collection requirement beyond those approved for ADD.

Part VIII. Receipt of Applications

Applications shall be considered as meeting an announced deadline if they are either:

1. Received on or before the deadline date at the Office specified in this announcement; or

2. Sent on or before the deadline date and received by ACF in time for the review. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier of U.S. Postal Services. Private metered postmarks shall not be acceptable as proof of timely mailing).

A. Late Applications

Applications which do not meet the criteria stated above are considered late applications. ACF/ADD shall notify each late applicant that its application will not be considered in the competition.

B. Extension of Deadlines

ACF may extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; or

when there is a widespread disruption of the mails. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

C. Effective Date

We anticipate that successful applications shall be funded no later than June 30, 1995.

(Catalog of Federal Domestic Assistance Program Number 93.630 Developmental Disabilities—Protection and Advocacy Program)

Dated: April 17, 1995.

Bob Williams,

Commissioner, Administration on Developmental Disabilities.

Attachment A—Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 1601–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention. Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of Authorized Certifying Official

_____

Title

_____

Applicant Organization

Date Submitted _____

Attachment B—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation,

renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–P

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
- ☐ a. contract
- b. grant
- c. cooperative agreement
- d. loan
- e. loan guarantee
- f. loan insurance

2. Status of Federal Action:
- ☐ a. bid/offer/application
- b. initial award
- c. post-award

3. Report Type:
- ☐ a. initial filing
- b. material change

For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
- ☐ a. cash
- ☐ b. in-kind; specify: nature _____
  value _____

13. Type of Payment *(check all that apply)*:
- ☐ a. retainer
- ☐ b. one-time fee
- ☐ c. commission
- ☐ d. contingent fee
- ☐ e. deferred
- ☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

ATTACHMENT C

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

Check ___ *if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4484–01–C

Attachment D—Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction. ''provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certificaiton Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''certification Regarding Debarment, Suspension, Ineligibility, Voluntary Exclusion-Lower Tier Covered Transactions. ''without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Attachment E—Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C-Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee.The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

[FR Doc. 95–10029 Filed 4–21–95; 8:45 am]

BILLING CODE 4184–01–P

Food and Drug Administration

Request for Nominations for Members on Public Advisory Committees; Food Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for members to serve on the Food Advisory Committee (the Committee) in FDA's Center for Food Safety and Applied Nutrition. Nominations will be accepted for current vacancies and vacancies that will or may occur on the Committee during the next 12 months.

FDA has special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or physically handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: Nominations should be received by May 24, 1995.

ADDRESSES: All nominations for membership, except for consumer-nominated members, should be sent to Catherine M. DeRoever (address below). All nominations for the consumer-nominated members should be sent to Martha F. Waugh or Annette J. Funn (address below).

FOR FURTHER INFORMATION CONTACT:

Regarding all nominations for membership, except for consumer-nominated members: Catherine M. DeRoever, Center for Food Safety and Applied Nutrition (HFS–22), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251.

Regarding all nominations for consumer-nominated members: Martha F. Waugh or Annette J. Funn, Office of Consumer Affairs (HFE–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members to serve on the advisory committee listed below. Individuals should have expertise in the activity of the Committee. Eight vacancies will occur June 30, 1995.

Food Advisory Committee

The Committee provides advice primarily to the Director, Center for food Safety and Applied Nutrition, and as needed, to the Commissioner of Food and Drugs, and other appropriate officials, on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade. The Committee also provides advice and makes recommendations on ways of communicating to the public the potential risks associated with these issues and recommends approaches to be considered in addressing them.

Criteria for Members

Persons nominated for membership on the Committee shall be knowledgeable in the fields of life sciences, food science, risk assessment, or other relevant scientific disciplines. The Committee may include technically qualified members who are identified

with consumer interests and are recommended by either a consortium of consumer-oriented organizations or other interested persons.

Representatives of industry interests will serve as liaisons to the regulated industry. The term of office is up to 4 years.

Nomination Procedures

Interested persons may nominate one or more qualified persons for membership on the Committee. Nominations shall state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude Committee membership. Additionally, the nominee's mailing address, telephone number, and curriculum vitae must accompany the nominations. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, employment, consultancies, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

Criteria for Consumer-Nominated Members

Selection of representatives of consumer interests will be conducted through procedures that include use of a consortium of consumer organizations which has the responsibility for screening, interviewing, and recommending candidates for the agency's selection. Candidates from this group, like all other candidates for membership on the Committee, should possess appropriate qualifications to understand and contribute to the Committee's work.

Industry Representatives

Regarding nominations for members representing industry interests, a letter will be sent to each person or organization that has made a nomination and to other organizations that have expressed an interest in participating in the selection process together with a complete list of all such organizations and the nominees. The letter will state that it is the responsibility of each nominator or organization that has expressed an interest in participating in the selection process to consult with the others and to provide a consensus slate of possible members representing industry interests within 60 days. In the event that a slate of nominees has not been provided within 60 days, the agency will select an industry representative for each such vacancy from the entire list of industry nominees to avoid delay or disruption of the work of the Committee. The agency is particularly interested in nominees that possess the essential scientific credentials needed to participate fully and knowledgeably in the Committee's deliberations. In addition to this expertise, the agency believes that it would be an advantage to the Committee's work if the individual(s) had special insight and direct experience into specific industrywide issues, practices, and concerns that might not otherwise be available to others not similarly situated.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: April 17, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–10075 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95E–0035]

Determination of Regulatory Review Period for Purposes of Patent Extension; LUVOX™

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for LUVOX™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product LUVOX™ (fluvoxamine maleate). LUVOX™ is indicated for the treatment of obsessions and complusions in patients with obsessive compulsive disorder. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for LUVOX™ (U.S. Patent No. 4,085,225) from Duphar International, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 1, 1995, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of LUVOX™ represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for LUVOX™ is 6,958 days. Of this time, 5,886 days occurred during the testing phase of the regulatory review period, while 1,072 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective*: November 19, 1975. FDA has verified the applicant's claim that the date the investigational new drug application

(IND) became effective was on November 19, 1975.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act*: December 30, 1991. The applicant claims December 24, 1991, as the date the new drug application (NDA) for LUVOX™ (NDA 20–243) was initially submitted. However, FDA records indicate that NDA 20–243 was submitted and received on December 30, 1991.

3. *The date the applications was approved*: December 5, 1994. FDA has verified the applicant's claim that NDA 20–243 was approved on December 5, 1994.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 23, 1995, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 23, 1995, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 17, 1995.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 95–10073 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95E–0038]

Determination of Regulatory Review Period for Purposes of Patent Extension; SERZONE®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for SERZONE® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product SERZONE® (nefazodone hydrochloride). SERZONE® is indicated for treatment of depression. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for SERZONE® (U.S. Patent No. 4,338,317) from Bristol-Myers Squibb, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 1, 1995, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of SERZONE® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for SERZONE® is 4,420 days. Of this time, 3,216 days occurred during the testing phase of the regulatory review period, while 1,204 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* November 17, 1982. FDA has verified the applicant's claim that the date that the investigational new drug application (IND) became effective was on November 17, 1982.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* September 6, 1991. FDA has verified the applicant's claim that the date the new drug application (NDA) for SERZONE® (NDA 20–152) was initially submitted was on September 6, 1991.

3. *The date the application was approved*: December 22, 1994. FDA has verified the applicant's claim that NDA 20–152 was approved on December 22, 1994.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 23, 1995, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 23, 1995, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 17, 1995.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 95–10077 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 94E–0071]

Determination of Regulatory Review Period for Purposes of Patent Extension; Zosyn®; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the notice that appeared in the **Federal Register** of August 30, 1994. The document announced FDA's determination of the regulatory review period for purposes of patent extension for Zosyn® (tazobactam sodium and piperacillin sodium). The document was published with some errors. The document incorrectly stated:

FDA has determined that the applicable regulatory review period for Zosyn® is 1,819 days. Of this time, 1,038 days occurred during the testing phase of the regulatory review period, while 781 days occurred during the approval phase.

1. The date an exemption under 505(i) of the Federal Food, Drug, and Cosmetic Act became effective: October 31, 1988. The applicant claims July 10, 1988, as the date the investigational new drug application (IND) for Zosyn® (IND 31,705) became effective. However, IND 31,705 was received on June 14, 1988, and it was placed on clinical hold on July 1, 1988. It was removed from clinical hold on October 31, 1988, making the IND effective date October 31, 1988.

It should have stated:

FDA has determined that the applicable regulatory review period for Zosyn® is 1,906 days. Of this time, 1,125 days occurred during the testing phase of the regulatory review period, while 781 days occurred during the approval phase.

1. The date an exemption under 505(i) of the Federal Food, Drug, and Cosmetic Act became effective: August 5, 1988. The applicant claims July 10, 1988, as the date the investigational new drug application (IND) for Zosyn® (IND 31,705) became effective. However, IND 31,705 was received on June 14, 1988, and it was placed on clinical hold on July 1, 1988. It was removed from clinical hold on August 5, 1988, making the IND effective date August 5, 1988.

This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: In FR Doc. 94–21286, appearing on page 44738 in the **Federal Register** of August 30, 1994, the following corrections are made:

On page 44739, in the first column, in the third full paragraph, in the third line, ''1,819'' is corrected to read ''1,906'' and in the fourth line, ''1,038'' is corrected to read ''1,125''; in the same column, in the fourth line from the bottom, ''October 31, 1988'' is corrected to read ''August 5, 1988''; and in the second column, in the fifth and sixth lines, ''October 31, 1988'' is corrected to read ''August 5, 1988''.

Dated: April 17, 1995.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 95–10074 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95E–0012]

Determination of Regulatory Review Period for Purposes of Patent Extension; Sonic Accelerated Fracture Healing System (SAFHS®)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for SAFHS® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device SAFHS®. SAFHS® is indicated for the acceleration of the time to a healed fracture for fresh, closed, distal radius (Colle's) fractures and fresh, closed or Grade I open tibial diaphysis fractures in skeletally mature individuals when these fractures are orthopedically managed by closed reduction and cast immobilization. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for SAFHS® (U.S Patent No. 4,530,360) from Exogen, Inc., and the Patent and

Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 21, 1995, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of SAFHS® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for SAFHS® is 3,073 days. Of this time, 1,532 days occurred during the testing phase of the regulatory review period, while 1,541 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: May 9, 1986. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)) for human tests to begin became effective on May 9, 1986.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e)*: July 18, 1990. FDA has verified the applicant's claim that the premarket approval application (PMA) for SAFHS® (PMA P90009) was initially submitted on July 18, 1990.

3. *The date the application was approved*: October 5, 1994. FDA has verified the applicant's claim that PMA P90009 was approved on October 5, 1994.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,825 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 23, 1995, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 23, 1995, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 17, 1995.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 95–10076 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Availability of Funds for the Provision of Technical and Nonfinancial Assistance to Federally Funded Migrant Health Centers and Related Organizations

AGENCY: Health Resources and Services Administration, PHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration announces the availability of approximately $1.4 million in fiscal year (FY) 1995, to support a total of four grants under Section 329(g)(1) of the Public Health Service (PHS) Act for the provision of technical and nonfinancial assistance to migrant health centers (MHCs).

The above technical assistance includes the following activities:

(1) Assist MHCs by the development of cost effective vision screening and treatment tools (e.g. health education and training materials, focometer), as well as, optometric technical assistance to MHCs (e.g. assistance request form, needs assessment, planning, training of providers and identification of community and regional resources).

(2) Recruit, train and place, seasonal bilingual and culturally sensitive health (e.g., MDs, ODs, mid-levels) and allied health professionals (e.g., nutritionist, social worker, health educator and community service worker) at East Coast MHCs to perform outreach duties.

(3) Provide technical assistance to MHCs nationwide to develop farmworker peer counseling and outreach programs; including the recruitment, training and placement of peer counselors, and program planning and identification of resources.

(4) Recruit, train and place bilingual outreach teams (e.g., nurse practitioner/nurse, health educator/community outreach worker) in Florida that specifically target farmworker infants, children and youth up to 21 years of age not currently receiving health care services. The teams are to work with MHCs and other organizations serving farmworkers. Other activities of this grant are to assist in State and local strategic planning to increase farmworker access to MHCs and health services.

The four grants will be awarded with a budget period of one year and a project period of up to three years.

The objective of these activities is to improve access to preventive and primary care services for underserved populations, especially minority and other disadvantaged populations. This is in keeping with the health promotion and disease prevention objectives of Healthy People 2000, and also the objectives defined specifically for the farmworker population in the PHS publication Migrant and Seasonal Farmworker (MSFW) Health Objectives for the Year 2000. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No.017–001–00474–0 or Healthy People 2000 (Summary Report: Stock No. 017–00473–01) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3228). Potential applicants may obtain a copy of MSFW Objectives for the Year 2000 through the National Migrant Resource Program, Inc., 1515 Capital of Texas Highway South, Suite 220, Austin, Texas 78746 (Telephone 1–800–531–5120).

Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities in which education, library, day care, regular and routine health care and early childhood development services are provided to children. Smoking must also be prohibited in indoor facilities that are constructed, operated or maintained with Federal funds.

DATES: Applications are due June 8, 1995. Applications shall be considered as meeting the deadline date if they are either: (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be acceptable proof of timely mailing. Applications which do not meet the deadline will be considered late and will be returned to the applicant.

ADDRESSES: Application materials (PHS Form 5161–1 with revised face sheet DHHS Form 424, as approved by the Office of Management and Budget (OMB) under control number 0937–0189) may be obtained from the Bureau of Primary Health Care (BPHC), Office of Grants Management, Nancy Benson, (301) 594–4260, 4350 East-West Highway, 11th Floor, Bethesda, MD 20814. Ms. Benson is available for further information regarding application submission procedures and to provide assistance on business management issues. Completed applications should be mailed to: Grants Management Officer, BPHC, c/o Houston Associates, Inc., 1010 Wayne Avenue, Suite 240, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: For general program information, contact Mr. Antonio Duran, Director, or Helen Kavanagh, Migrant Health Branch, Division of Community and Migrant Health, BPHC, Health Resources and Services Administration, (301) 594–4303, 4350 East-West Highway, 7th Floor, Bethesda, MD 20814.

SUPPLEMENTARY INFORMATION:

Background

There are 106 MHCs which provide comprehensive primary health care to migrant and seasonal farmworkers and their families in their home base or as they work along one of the three migrant streams. The technical and nonfinancial assistance will be arranged for or provided within available resources by four separate grantees in response to MHC requests for: (1) vision screening and treatment services, (2) bilingual seasonal outreach staff, (3) peer counselor training and outreach, and (4) outreach staff specializing in identifying children and youth who fall through the ''cracks'' of health care services.

Legislation governing these activities can be found at section 329 of the PHS Act. Paragraph (1)(B) of section 329(a) requires that a migrant health center provide ''as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,'' and paragraph (1)(G) requires that a migrant health center provide ''information on the availability and proper use of health services and services which promote and facilitate optimal use of health services, including if a substantial number of the individuals in the population served by a center are of limited English-speaking ability, the services of appropriate personnel fluent in the language spoken by a predominant number of such individuals''.

Number and Amount of Awards

Each individual and/or organization is limited to submitting a maximum of one grant proposal for any one of the four activities mentioned. A maximum of 4 separate grants will be awarded for: optometric technical assistance for MHCs nationwide (approximately $45,000); the recruitment, training and placement of outreach allied health and health professionals with MHCs on the East Coast (approximately $800,000); the development, implementation and promotion of farmworker peer counselor programs at MHCs nationwide (approximately $225,000); and the enhancement of farmworker outreach health care services targeting infants, children and youth at MHCs in Florida, in addition, to State and local strategic planning (approximately $320,000).

Eligible Applicants

Eligible applicants are public and private nonprofit entities with culturally competent and diverse staff which have demonstrated experience, as appropriate to the requested grant, in optometric technical assistance for MHCs; farmworker outreach; the recruitment, training and placement of health and allied health professionals at MHCs; or in farmworker peer counselor recruitment, training and placement.

Criteria for Evaluation

Regulations governing these awards provide that the Secretary will award funds to applicants which, in her judgment, will best promote the purposes of the statute, taking into consideration (a) the cost effectiveness of the application, and (b) the number of centers and entities to be served by the applicant. 42 CFR 56.704. In addition to these two criteria, the Secretary, in considering what will best promote the purposes of the statue, will consider:

(1) The extent to which the applicant's program activity demonstrates and addresses the particular needs of the migrant and seasonal farmworkers and migrant health centers;

(2) The degree to which the applicant addresses the overall goals and objectives of one of the aforementioned activities;

(3) The appropriateness and adequacy of the methodology which describes how the activity will be evaluated, along with relevant timeliness;

(4) The information contained in annual progress reports (for existing grantees only);

(5) The extent to which the project plan describes activities in measurable terms;

(6) The extent of the organization's prior related and applicable experience (to be documented by a short synopsis of work completed for each Federal and non-Federal grant received, contact person(s) and phone number(s)); and

(7) The degree to which the fiscal and administrative management systems, and the budget are well organized, detailed, justified and consistent with the project plan.

All applications for the technical and nonfinancial assistance to MHCs will be reviewed competitively by a PHS Objective Review Committee.

Other Award Information

The grants awarded under this notice are not subject to the provisions of Executive Order 12372 or the Public Health System Reporting Requirements.

In the OMB Catalog of Federal Domestic Assistance, the Migrant Health Center program is Number 93.129.

Dated: April 14, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–10019 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–15–P

Health Resources Services Administration

Availability of Funds for Grants To Build Primary Health Care Capacity in the Pacific Basin

AGENCY: Health Resources and Services Administration, PHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces the availability of approximately $1.3 million in fiscal year (FY) 1995 for competing applications for the Pacific Basin Health Initiative. This Initiative supports the development of primary health care infrastructure in the Pacific Basin, and funds will be awarded under the authority of section 301 of the Public Health Service (PHS) Act. The overall goal of the program is to achieve the effective delivery of comprehensive primary health care services and to encourage community responsibility for health promotion and disease prevention. The six Pacific jurisdictions affected by this initiative are the three flag territories (the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam), and the three sovereign nations whose relationships with the U.S. are governed by Compacts

of Free Association (the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau).

Approximately 15–20 awards will be made, ranging from approximately $15,000 to $200,000, for up to three-year project periods and one-year budget periods. The average award will be approximately $75,000.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting health priorities. The Pacific Basin Health Initiative will contribute toward meeting the Healthy People 2000 objectives cited for: clinical preventive services, environmental health, maternal and infant health, nutrition, oral health, diabetes and chronic disabling conditions, and health data collection. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities in which education, library, day care, regular and routine health care and early childhood development services are provided to children. Smoking must also be prohibited in indoor facilities that are constructed, operated or maintained with Federal funds.

DUE DATE: Applications are due by July 1, 1995. Applications will be considered as having met the deadline if they are: (1) received on or before the established deadline date; or (2) sent on or before the established deadline date and received in time for orderly processing. Applicants should obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service or obtain a legibly dated U.S. Postal Service postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications will not be considered for funding and will be returned to the applicant.

ADDRESSES FOR APPLICATION KITS: Application kits and additional guidance (Form PHS 5161–1 with revised face sheet DHHS form 424, as approved by the OMB under control number 0937–0189) may be obtained from, and completed applications sent to: Bureau of Primary Health Care, c/o Houston Associates, Inc., 1010 Wayne Avenue, Suite 1200, Silver Spring, Maryland 20910. The telephone number is (800) 523–2192. The FAX number is (800) 523–2193. Ms. Harriet Green, Acting Branch Chief, Grants Management Office can also assist with grants policy and business management issues. The telephone number is (301) 594–4242. The FAX number is (301) 594–4073. Her Internet address is: hgreen@hrsa.ssw.dhhs.gov.

FOR FURTHER INFORMATION CONTACT: For general program information and technical assistance, contact: Tom Coughlin, Chief, Special Initiatives, Policy and Evaluation Branch, Division of Programs for Special Populations, Bureau of Primary Health Care, 4350 East-West Highway, 9th Floor, Bethesda, Maryland 20814, Telephone (301) 594–4450, fax (301) 594–2470. Prospective applicants are encouraged to send or FAX a letter of intent before May 31, 1995. This will allow program staff the opportunity to offer technical assistance.

SUPPLEMENTARY INFORMATION: The six jurisdictions have different levels of economic/social development and varying capacities to meet the primary health care needs of their rapidly expanding populations, but they share characteristics of many developing nations, such as: Poor health status indicators including high infant mortality rates, rapidly expanding populations, a large portion of the health care budget spent on off-island referrals, a shortage of health care professionals, and high rates of poverty.

Based on these basic needs, the Pacific Basin Health Initiative is designed to support infrastructure development and capacity building for comprehensive primary health care delivery and preventive services in the six jurisdictions. It is the intention of the program to increase the jurisdictions' long-term self-sufficiency by investing in human resource and administrative development.

Through collaboration with the health departments in the Pacific jurisdictions, the Bureau of Primary Health Care is committed to achieving the health promotion and disease prevention objectives as defined by the individual Pacific jurisdictions. The Bureau intends to fund activities that best meet the program goals, originate within the jurisdiction(s), and align with the areas of concern outlined by each of the jurisdictions' Health Departments. A listing of the Health Department contacts and the areas of concern outlined by the six jurisdictions will be provided in the application package.

Program Areas of Emphasis

In addition to the areas of concern outlined by the jurisdictions, the Bureau has identified the following three areas of emphasis:

(1) Build local capacity to develop, improve upon and operationalize appropriate models for the delivery of comprehensive primary health care and prevention services—including strengthening of human resource components. This area of emphasis focuses on developing long-term, internal planning capacity and projects that demonstrate feasible and sustainable models of delivery.

(2) *Integrate information systems* among various health sectors within each jurisdiction.

(3) Promote services to remote islands and underserved communities.

Eligible Applicants

An eligible applicant is a public or private nonprofit entity within the jurisdictions or any U.S. state.

Restrictions

Applications may not exceed 50 pages including the cover sheet and appendices for new applicants and 55 pages for previously funded applicants (to include end-of-the year project reports). Grant funds may not be used to supplant locally funded public programs. Grant funds may not be used to pay for major construction or for the acquisition of major pieces of equipment. However, a very limited amount of grant funds may be requested for alterations, renovations and equipment purchases (less than $25,000).

Applicants who propose projects that were primarily funded by PHS or other governmental agencies (such as laboratory capacity and epidemiology/CDC; sanitation/EPA) must specify why the funding from these agencies is insufficient or why this Initiative better serves the purposes of the project.

Criteria for Evaluation

Eligible applicants will be evaluated based upon the following:

Need

- The extent to which the applicant documents need for proposed services in the community or jurisdiction(s) based upon:

(1) A thorough description of demographic and health status indicators of the populations to be served as they relate to primary health care; (2) an identification of gaps within the existing health care system; and (3) an assessment of barriers within the

existing system that hinder the delivery of primary care services.

Organizational Capacity/Staffing Expertise

• The extent to which applicants demonstrate the expertise of the staff and organizational capacity to implement the project based upon:

(1) Experience in and knowledge of the proposed service area and health service project; (2) strong leadership and staffing plans; and (3) demonstration by grantees, previously funded under this Initiative, of their past success in managing and implementing projects.

Coordination/Collaboration:

• The extent to which services will be integrated:

(1) Within the community; (2) with needs identified by officials of the jurisdiction(s); and (3) with the private sector, where applicable.

Sustainability/Capacity Building

• The extent to which applicants demonstrate that the proposed projects will: (1) Build local capacity, (2) relate to the jurisdiction(s)' master health plan or areas of concern; and (3) if applicable, decrease dependence on costly off-island referrals.

Health Care Plan (Proposed Plan to Close Gaps in Services)

• The adequacy of the project description will be evaluated based upon the extent to which:

(1) Problem statements are clear and are based on the needs assessment;

(2) Long-term goals are appropriate, measurable, and relate to the problem statements;

(3) Objectives are realistic, measurable and appropriate to the population being served;

(4) Action-steps are feasible and have a reasonable time-line, and;

Evaluation

• The adequacy of the evaluation plan designed to measure how well the goals and objectives were achieved.

• The extent to which grantees previously funded under this Initiative met their goals and objectives and analyzed their achievements and shortcomings.

Budget

The appropriateness of the budget in relation to other resources and the adequacy of the budget justification and future financial plans to support the proposed interventions for this initiative.

This program is not subject to the Public Health System Reporting Requirements.

This program is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system to review applications from within their States under certain Federal programs. The application kit, to be made available under this notice, will contain a listing of States which have chosen to set up a review system and will provide a single point of contact (SPOC) in the States for that review. Applicants (other than federally recognized Indian tribal governments) should contact their State SPOC as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the appropriate application deadline date. The BPHC does not guarantee that it will accommodate or explain its responses to State process recommendations received after the due date.

The OMB Catalog of Federal Domestic Assistance number for this program is 93.163.

Dated: April 19, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–10070 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of General Counsel

[Docket No. D–95–1089; FR–3909–D–01]

Order of Succession, Acting General Counsel

AGENCY: Office of General Counsel, HUD.

ACTION: Notice of Order of Succession.

SUMMARY: In this notice, the General Counsel for the Department of Housing and Development designates the Order of Succession for the position of General Counsel, and revokes the prior Order of Succession for this position.

EFFECTIVE DATE: April 18, 1995.

FOR FURTHER INFORMATION CONTACT: John P. Opitz, Assistant General Counsel for Training and Administrative Law, Department of Housing and Urban Development, Room 10246, 451 7th Street, SW, Washington, DC 20410, 202–708–9991. A telecommunications device for hearing-impaired persons (TDD) is available at 202–708–3259. [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: The General Counsel for the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to serve as Acting General Counsel when, by reason of absence, disability, or vacancy in office, the General Counsel is not available to exercise the powers or perform the duties of the office. The authorization to act under this Order is subject to the 120-day rule of the Vacancies Act, 5 U.S.C. 3348, whereby a vacancy caused by death or resignation of an appointee, whose appointment is vested in the President by and with the advice and consent of the Senate, may be filled temporarily for not more than 120 days.

Accordingly, the General Counsel designates the following order of succession:

Section A. Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, the General Counsel is not available to exercise the powers or perform the duties of the Office of General Counsel, the following are hereby designated to serve as Acting General Counsel:

(1) Deputy General Counsel (Civil Rights & Litigation);

(2) Deputy General Counsel (Programs & Regulations);

(3) Deputy General Counsel (Operations);

(4) Associate General Counsel for Assisted Housing and Community Development;

(5) Associate General Counsel for Legislation and Regulations;

(6) Associate General Counsel for Program Enforcement;

(7) Associate General Counsel for Insured Housing;

(8) Associate General Counsel for Finance and Regulatory Enforcement.

(9) Associate General Counsel for Litigation and Fair Housing Enforcement.

(10) Associate General Counsel for Human Resources Law.

These officials shall serve as Acting General Counsel in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office. If all the officials designated in this order of succession are unable to serve as Acting General Counsel by reason of absence, disability or vacancy in office, officials designated to serve as acting officials for these designated officials shall serve in

the same order of succession as their principals.

Officials ranking below the Deputy General Counsel (Operations) in the above Order of Succession and their designees, while serving as Acting General Counsel, may only take actions with the approval of the Special Assistant to the General Counsel.

Authorization to serve as Acting General Counsel shall not exceed 120 days pursuant to the Vacancies Act, 5 U.S.C. 3348.

Section B. Authority Revoked

The Order of Succession of the General Counsel, published in the **Federal Register** on March 1, 1994, at 59 FR 9766, is hereby revoked.

Authority: Sec. 7(d), Department of Housing and Urban Development Act [42 U.S.C. 3535(d)].

Dated: April 18, 1995.

Nelson A. Díaz,

General Counsel.

[FR Doc. 95–10036 Filed 4–21–95; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Approval

The following applicants have applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Jerry Blocker, Rio Linda, CA. The applicant wishes to establish a cooperative breeding program for the Eurasian eagle owl *(Bubo bubo)*, Lanner falcon *(Falco biarmicus)*, Saker falcon (*Falco cherrug*), and the Tawny eagle *(Aquila rapax)*. Mr. Blocker wishes to be an active participant in this program with one other private individual. The American Wildlife Rescue Service has assumed the responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: April 14, 1995.

Dr. Susan Lieberman,

Chief, Branch of Operations, Office of Management Authority.

[FR Doc. 95–10048 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–55–P

Geological Survey

Nevada, Hydrogeochemical Studies of Gold and Ore-Related Elements in Ground Water Systems

AGENCY: U.S. Geological Survey.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S Geological Survey has accepted from Barrick Gold Exploration, Inc. a contribution of $7,500 to support hydrogeochemical studies of the chemical mobility of gold and ore-related elements in ground water systems that may be associated with buried gold deposits in north-central Nevada.

DATES: This notice is effective April 24, 1995.

ADDRESSES: Information on the work is available to the public upon request at the following location: U.S. Geological Survey, Branch of Geochemistry, Denver Federal Center, MS–973, P.O. Box 25046, Denver, Colorado 80225–0046.

FOR FURTHER INFORMATION CONTACT: Dr. David Grimes of the U.S. Geological Survey, Branch of Geochemistry, at the address given above; telephone 303/236–5510.

P. Patrick Leahy,

Acting Chief Geologist.

[FR Doc. 95–9955 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[ID–015–05–1990–01; IDI–29233]

Notice of Availability of Record of Decision

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act and 43 CFR part 3809 (Mining Regulations) the Bureau of Land Management (BLM) has issued a Record of Decision for the final environmental impact statement (EIS) on the Stone Cabin Mine Plan of Operations. The decision authorizes implementation of the Proposed Action in the final EIS. The decision, which includes stipulations, authorizes open-pit mining in Owyhee County, Idaho.

EFFECTIVE DATE: The decision became effective on the date of issuance which was April 14, 1995. The decision is subject to appeal pursuant to 43 CFR 3809.4. The operator has the right of appeal to the Bureau of Land Management, Idaho State Director and thereafter to the Department of Interior, Board of Land Appeals under procedures found at 43 CFR 3809.4(a) through (e). A party, other than the operator, has the right of appeal to the Department of Interior, Board of Land Appeals under procedures found at 43 CFR part 4, subpart E. An appeal under 43 CFR part 4, subpart E must be filed not later than May 24, 1995. The appeal period will end on May 24, 1995.

ADDRESSES: Copies of the Record of Decision and the final EIS are available from: Bureau of Land Management, 3948 Development Avenue, Boise, ID 83705.

FOR FURTHER INFORMATION CONTACT: Fred Minckler, Team Leader at the address above. Telephone (208) 384–3300.

SUPPLEMENTARY INFORMATION: The Stone Cabin Mine will be an open-pit gold and silver mine located in the Owyhee Mountains in Southwestern Idaho. The mine pit will be located on Florida Mountain, about 50 miles southwest of Boise, Idaho and about one mile west of the historic mining town of Silver City, Idaho. The Stone Cabin Mine will be operated as a satellite facility and will share some components of the existing Kinross DeLamar Mine located about five miles west of the Stone Cabin Mine site. The final EIS was released to the public on August 19, 1994. Copies of the Record of Decision were mailed to those who received a copy of the final EIS.

Rodger E. Schmitt,

Associate Ecosystem Manager.

[FR Doc. 95–9785 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–GG–P

[WY–010–4212–14; WYW 129948]

Realty Actions; Sales, Leases, etc.: Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; sale of public land in Washakie County, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) has determined that the lands described below are suitable for public sale by modified competitive

sale procedures under sections 203 and 209 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1713, 1719). The BLM must receive fair market value for the land sold and any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest on the land for sale if the sale would not be consistent with FLPMA or other applicable law. The lands are legally described as:

Sixth Principal Meridian

T. 47 N., R. 92 W.
Sec. 23, W1/2NE1/4SW1/4, NW¼41/4SE¼SW¼.

The above land aggregates 30 acres more or less.

FOR FURTHER INFORMATION CONTACT: Karen Hepp, Range Management Specialist or Charles F. Wilkie, Area Manager, Bighorn Basin Resource Area, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401–0119 (307)347–9871.

SUPPLEMENTARY INFORMATION: Sale of the above land will be conducted by modified competitive bidding. The land sale is subject to a preference consideration to allow Timberline Feedlot Inc. to meet the high bid. Timberline requires the land to expand their feedlot. A bid will also constitute an application for conveyance of unreserved mineral estate, excluding oil and gas resources. At the time of the sale, the bidder will be required to pay a $50.00 nonreturnable filing fee (in addition to their bid) for all unreserved mineral interests in accordance with 43 CFR Subpart 2720.

The public sale parcel is within livestock grazing allotment number 00034. The permittee holding the livestock grazing privileges in the allotment has either signed a waiver on the two-year grazing notice or is being served a two-year notice that the subject lands are being excluded from the grazing allotment. The notice is being sent with a copy of this Notice of Realty Action. Less than one animal unit of forage is being lost and no reduction in grazing preference will be required.

The proposed sale is consistent with the Washakie Resource Management Plan and will serve an important public objective. The proposed sale meets the sale criteria described in 43 CFR 2710.0–3(a)(2).

The planning document, environmental assessment, and other relevant information concerning the sale are available for review at the Bureau of Land Management, Bighorn Basin Resource Area office, 101 South 23rd, Worland, Wyoming.

Any patent issued will be subject to all valid existing rights. Specific patent reservations include:

1. Reservation of rights-of-way (ROWs) for ditches or canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945.
2. Reservation of Oil and Gas Lease WYW60494.
3. Oil and Gas Pipeline ROW WYW75340.
4. BLM Access Road ROW WYW81772 and WYW74710.
5. Federal Aid Highway ROW WYW0189320.
6. Power Transmission Line ROW WYW72986.
7. Water Pipeline ROW WYW77981.
8. Telephone/Telegraph ROW WYW68159.

Publication of this notice in the **Federal Register** shall segregate the land from all forms of appropriation under the public land laws, including the general mining laws. The segregative effect will terminate upon issuance of the patent, 270 days from the date of the publication of this notice, or upon publication in the **Federal Register** of a notice of termination of segregation, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Worland District Office, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401–0119. Any adverse comments will be evaluated by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any action by the State Director, this realty action will become final.

Charles F. Wilkie,

Area Manager, Bighorn Basin Resource Area.

Dated: April 18, 1995.

[FR Doc. 95–10015 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–22–P

[UT–040–05–1430–00]

Resource Management Plans, etc.: Cedar/Beaver/Garfield/Antimony (CBGA) Resource Management Plan; Utah et al.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: This notice is to advise the public that the proposed planning amendments and associated environmental assessment for the Cedar/Beaver/Garfield/Antimony (CBGA) Resource Management Plan (RMP), and the Paria Management Framework Plan (MFP) have been completed. The proposed plan amendments provide for the disposal of two tracts of public land in Garfield County and Kane County, Utah, comprising 12.5 acres described as follows:

Salt Lake Meridian, Utah

T. 34 S., R. 5 W.,
Sec. 26, SW¼SW¼SE¼.
Containing 10 acres.

T. 42 S., R. 1 E.,
Sec. 35, SE¼SE¼SE¼SE¼.
Containing 2.5 acres.

DATES: The protest period for these proposed plan amendments will commence with the date of this publication. Protests must be submitted on or before May 24, 1995.

ADDRESSES: Protests should be addressed to the Director, Bureau of Land Management (480), Resource Planning Team, P.O. Box 65775, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Verlin L. Smith, Area Manager, Kanab Resource Area, 318 North 100 East, Kanab, Utah 84741, telephone (801) 644–2672, Ext. 2646.

SUPPLEMENTARY INFORMATION: These plan amendments are necessary since the existing plans do not identify these lands for disposal. The environmental assessment does not identify any significant impacts. Resource values, public values, objectives involved, and the public interest would be served by providing these lands to Panguitch City and the Church Wells Special Service District.

This action is announced pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 and 43 CFR part 1610. The proposed planning amendments are subject to protest from any adversely affected party who participated in the planning process. Protests must be made in accordance with the provisions of 43 CFR 1610.5–2. Protests must contain the following minimal information:

—The name, mailing address, telephone number, and interest of the person filing the protest.
—A statement on the issue or issues being protested.
—A statement of the part or parts being protested and a citing of pages, paragraphs, maps, etc., of the proposed plan amendment, where practical.
—A copy of all documents addressing the issue(s) submitted by the protester during the planning process or a reference to the date when the protester discussed the issue(s) for the record.

—A concise statement as to why the protester believes the BLM State Director's decision is incorrect.

G. William Lamb,

Acting State Director.

[FR Doc. 95–9961 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–DQ–M

National Park Service

Acadia National Park Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. Ap. 1, sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, May 15, 1995.

The Commission was established pursuant to Pub. L. 99–420, sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene park headquarters, Acadia National Park, Rt. 233, Bar Harbor, Maine, at 1 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held December 12, 1994.

2. Report of the Conservation Easement Subcommittee.

3. Report of the Acquisition Subcommittee.

4. Report of the GMP Subcommittee.

5. Superintendent's report.

6. Public comments.

7. Proposed agenda and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, PO Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Chrysandra L. Walter,

Acting Regional Director.

[FR Doc. 95–10053 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Reclamation

Draft Environmental Impact Statement for Proposed Acreage Limitation and Water Conservation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public hearings on the draft environmental impact statement; INT–DES–95–13.

SUMMARY: In response to a September 1993 contract for settlement of a lawsuit filed by the Natural Resources Defense Council, National Wildlife Federation, California Natural Resources Federation, California Association of Family Farmers, California Action Network, League of Rural Voters Inc., and County of Trinity, California; and pursuant to the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation (Reclamation) has prepared a draft environmental impact statement (DEIS) on proposed acreage limitation and water conservation rules and regulations for implementing the Reclamation Reform Act of 1982, as amended, throughout the 17 Western United States. The DEIS was made available to the public on March 27, 1995, and a notice of availability was published in the **Federal Register** (60 FR 16662, Mar. 31, 1995). The DEIS is open to a 60-day review and comment period, which will close on May 31, 1995.

Public hearings will be held to receive comments from interested organizations and individuals on the environmental impacts of the proposed rules. During the week prior to the scheduled hearings there will be several public forums at various locations throughout the Western States to provide an opportunity for the public to receive information and clarification concerning the proposed changes to the rules and regulations. Information regarding these forums will be provided to affected parties by mail.

DATES: Public hearings on the DEIS will be held on the following dates at the locations indicated.

May 8, 1995, at 7:00 p.m.

- Red Lion Inn (Yakima Valley), 1507 North First Street, Yakima Washington.
- Sheraton Hotel, 27 North 27th Street, Billings, Montana.

May 9, 1995, at 7:00 p.m.

- Red Lion Inn Riverside, 2900 Chinden Blvd., Boise, Idaho.
- Sheraton Denver West Hotel, 360 Union Blvd, Lakewood, Colorado.

May 10, 1995, at 7:00 p.m.

- Red Lion Hotel, 2001 Point West Way, Sacramento, California.
- Hilton Point at South Mountain, 7777 South Point Parkway, Phoenix, Arizona.

May 11, 1995, at 7:00 p.m.

- Hilton Hotel, 150 West 500 South, Salt Lake City, Utah.
- Holiday Inn (Airport), 5090 East Clinton, Fresno, California.

ADDRESSES: Written comments for inclusion in the official record should be received at the Bureau of Reclamation by May 31, 1995. Comments should be addressed to: Mr. Ronald J. Schuster (D–5010), Westwide Settlement Manager, Bureau of Reclamation, PO Box 25007, Denver CO 80225.

A dedicated toll-free telephone line has been established at 1–800–861–5443 through May 31, 1995 to accommodate oral comments from those not attending a public hearing. Comments will be recorded on tape and transcribed by a court reporter, and will be part of the official record. Statements are limited to 10 minutes and must include the commentor's name in order to be included in the official record. Address and affiliation are optional.

SUPPLEMENTARY INFORMATION: An identical notice is published in this **Federal Register** regarding public hearings on the proposed rules and regulations implementing the Reclamation Reform Act of 1982.

Ground rules for the hearings are presented below:

—While each hearing is in session, all comments will be recorded by a court reporter.

—Speakers should identify themselves and any organization that they represent.

—Statements will be limited to 10 minutes, and speakers will not be allowed to trade time to obtain longer presentations. The hearings officer may allow any speaker additional time after all scheduled speakers have been heard. The hearing officer may also shorten the 10 minute limit if the number of speakers is too large to fit within a reasonable time frame.

—No one will be recognized to speak other than those parties who are presenting statements.

—To ensure a complete and accurate record, it will be necessary that only one person speak at a time.

—Persons presenting views will not be sworn in or otherwise placed under oath.

—There will be no examination or interrogation of speakers.

—There will be no response by the hearing officer or other Bureau of Reclamation staff on speaker comments.
—Due to the shortness of available time, speakers are encouraged to summarize their comments as much as possible and give the court reporter a copy of their full statement which will be added to the official record.
—Speakers will be scheduled according to the order in which they sign up. Any speaker not present when called will lose his or her turn in the scheduled order, but will be given an opportunity to speak at the end of the scheduled presentations.
—After the scheduled speakers have been heard, each individual who wishes to speak will be afforded that opportunity.
—People are asked to refrain from clapping or other actions that might interfere with the speakers or hearing.

Dated: April 18, 1995.

Wayne O. Deason,

Assistant Director, Program Analysis Office.

[FR Doc. 95–10010 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–94–P

Tucson Aqueduct System Reliability Investigation, Pima County, AZ

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings on draft environmental impact statement (DEIS); DES 95–16, filed April 18, 1995.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a draft environmental impact statement (EIS) for the Tucson Aqueduct System Reliability Investigation, Tucson Division, Central Arizona Project (CAP). The draft EIS addresses alternatives that have been studied to incorporate short-term delivery reliability into the Central Arizona Project (CAP) system for the Tucson area. This short-term reliability would ensure the delivery of CAP water to Tucson area users during periods of planned maintenance outages of the CAP. Reclamation proposes the construction of a 15,000 acre-foot surface storage reservoir to provide reliability to Tucson area CAP water users.

DATES: Two public hearings will be held on the draft EIS:

• Wednesday, June 7, 1995, 7–10 p.m., Tucson, Arizona.

• Thursday, June 8, 1995, 7–10 p.m., Drexel Heights, Arizona.

ADDRESSES:

• Tucson Convention Center, Coconino/Apache Rooms, 260 South Church, Tucson, Arizona.

• Southwest Community Center, 5950 South Cardinal, Drexel Heights, Arizona.

Written comments should be addressed to the Area Manager, Bureau of Reclamation, Phoenix Area Office, PO Box 9980, Phoenix, AZ 85068–0980.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce D. Ellis, Chief, Environmental Division, Bureau of Reclamation, Phoenix Area Office, PO Box 9980, Phoenix, AZ 85068–0980; telephone (602) 870–6767.

SUPPLEMENTARY INFORMATION: The CAP, authorized as part of the Colorado River Basin Project Act of 1968, is a multipurpose water project which develops water for municipal and industrial use, as well as for Indian uses and non-Indian agricultural uses in central and southern Arizona. Because of Tucson's greater exposure to water service interruptions, the Tucson Aqueduct System Reliability Investigation was initiated in 1986 to study alternatives that would provide as ''reasonably reliable'' a supply of Central Arizona Project (CAP) water to the Tucson area as is available to Phoenix area cities. The draft EIS analyzes the environmental consequences of the construction and operation of a 15,000 acre-foot surface storage reservoir (the Agency Proposed Action), two additional alternatives, and a no Federal action alternative.

Oral comments regarding the proposed action are welcome at the public hearing. Reclamation also solicits written comments on the draft EIS. To ensure consideration in the preparation of the final EIS, all written comments must be received at the above address by July 14, 1995. Copies of the draft EIS are available from Mr. Bruce Ellis at the same address.

Dated: April 18, 1995.

Lawrence F. Hancock,

Regional Director.

[FR Doc. 95–10014 Filed 4–21–95; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

New Collection

(1) Community Oriented Policing Services (COPS) Payment Selection Sheet.

(2) COPS Form 007. Office of Community Oriented Policing Services (COPS), United States Department of Justice.

(3) Primary = State, Local, or Tribal Government. Others = None. The Payment Selection Sheet is used by recipients of COPS grants to specify the mode in which they would like to receive payment from the Federal government. If COPS Coupons is elected, the Sheet request limited payroll information to be used to prepare the Coupons.

(4) 2,000 annual respondents at .2 hours per response.

(5) 400 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9991 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–21–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

New Collection

(1) Community Oriented Policing Services (COPS) Coupons.

(2) COPS 008. Office of the Community Oriented Policing Services (COPS), United States Department of Justice.

(3) Primary—State, Local, or Tribal Government. Others—None. COPS Coupons is a new payment method available to recipients of COPS grants. Agencies that elect to participate in COPS Coupons may receive payment under their grant in a predetermined installment amount by mailing in a COPS Coupon to the United States Department of Justice on a monthly or quarterly basis.

(4) 2,000 annual respondents at .1 hours per response, 8 submissions per year.

(5) 1,600 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this term is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9992 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–21–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable Component of the Department sponsoring the collection;

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Affidavit Of Financial Support And Intent To Petition For Legal Custody For Public Law 97–359 Amerasian.

(2) Form I–361. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary—Individuals or households. Others—None. The information collected is used in support of Form I–360 to assure financial support for Public Law 97–359 Amerasian. The affidavit is used only to sponsor individuals eligible for immigration under Public Law 97–359.

(4) 50 annual respondents at .5 hours per response.

(5) 25 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9994 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Application for Nonresident Alien's Mexican Border Crossing Card

(2) Form I–190. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary=Individuals or households. Others=None. This form will be used to obtain data from an applicant for a Mexican Border Crossing Card, I–186 and I–586. Data is used to determine eligibility of applicant.

(4) 230,000 annual respondents at .083 hours per response.

(5) 19,090 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9995 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Health and Human Services (HHS) Statistical Data for Refugee/Asylee Adjusting Status.

(2) Form I–643. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary = Individuals or households. Others = None. This information is required by 8 United States Code 1522 (a)(8) on situation of refugees at time of adjustment to lawful permanent resident of United States. Data used by the Office of Refugees Settlements (HHS) for report to Congress as required by 8 United States Code 1523.

(4) 150,000 annual respondents at .166 hours per response.

(5) 24,900 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9996 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of

Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Petition For Approval Of School For Attendance By Nonimmigrant Students.

(2) Forms I–17, I–17A, and I–17B. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary = Business or other for-Profit. Others = Not-for-profit institutionns. The information is used by learning institutions to determine acceptance of nonimmigrant students, as well as the Immigration and Naturalization Service to establish a list of names and locations of schools or campuses within school systems or districts with multiple locations, which schools are bona fide institutions of learning.

(4) 1,700 annual respondents at 1.0 hours per response.

(5) 1,700 annual burden hours.

Public comment on this item is encouraged.

April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9997 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–01–M

Information Collections Under Review

The Office of Management and Budget (OMB) has sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/ collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert E. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Certification of Satisfactory Pursuit.

(2) Form I–699. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary-Individuals or households. Others-Business or other for profit, Not-for-profit institutions, or State, Local or Tribal Government. The Immigration and Naturalization Service will use this form to verify that a certified course provider has supplied the required instruction to Temporary Resident Aliens. In compliance with Public Law 99–603 and 100–204, Section 902.

(4) 100,000 annual respondents at .166 hours per response.

(5) 16,600 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9998 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/ collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Application To Adjust Status From Temporary To Permanent Resident.

(2) Form I–698. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary=Individuals or households. Others=None. This information will be used by the Immigration and Naturalization Service to collect the necessary information to adjudicate the application and issue an Alien Registration Card (Form I–551).

(4) 300,000 annual respondents at 1.0 hours per response.

(5) 300,000 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 18, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–9999 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–10–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993 Center for Waste Reduction Technologies

Notice is hereby given that, on March 14, 1995, pursuant to the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Center for Waste Reduction Technologies (''CWRT'') and its participants have filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties and its general area of planned activity are: Center for Waste Reduction Technologies, New York, NY; American Institute of Chemical Engineers, New York, NY; ACS Industries, Inc., Woonsocket, RI; Air Products and Chemicals, Inc., Allentown, PA; Arthur D. Little, Inc., Cambridge, MA; B&V Waste Science & Technology Corp., Kansas City, MO; Battelle-Pacific NorthWest Laboratories, Richland, WA; Bechetl Group, Inc., San Francisco, CA; The B.F. Goodrich Company, Akron, OH; The BOC Group, Murray Hill, NY; CH2M HILL, Inc., Corvallis, OR; C.W. Nofsinger division of Burns & McDonnell, Kansas City, MO; The Dow Chemical Company, Midland, MI; Electric Power Research Institute, Palo Alto, CA; Gas Research Institute, Chicago, IL; Hoechst Celanese Corporation, Bridgewater, NJ; ICI Americas Inc., Wilmington, DE; Kinetics Technology International Corporation, San Dimas, Ca; Minnesota Mining & Manufacturing Company, St. Paul, MN; Mobil Research and Development Corporation, Pennington, NJ; Monsanto Company, St. Louis, MO; The M.W. Kellogg Company, Houston, TX; Rhone Poulenc North America, Monmouth Junction, NJ; SRI International, Menlo Park, CA; US Department of Energy, Washington, DC; and Union Carbide Corporation, Danbury, CT.

The nature and objectives of this joint venture are to foster cooperation among industry, academia, and government for research and development, education, and information exchange on waste reduction technologies and processes to achieve the clean, efficient, and economical production and manufacturing facilities needed for sustainable development. The objectives of this venture will be achieved by establishing a broad program for the theoretical and practical analysis, experimentation, and systematic study of the relevant phenomena; the collection, exchange and analysis of the research data thus obtained; the development and testing of basic engineering techniques; and the extension of the findings and theories observed into practical application for experimental and demonstration purposes. In pursuing these objectives, CWRT will seek to stimulate, encourage and provide a means of establishing separate groups to undertake specific research projects that are consistent with the broad objectives of this venture.

Participation in this joint venture will remain open to qualified persons and organizations. The Participants intend to file additional written notifications disclosing all changes in membership. Information regarding participation in this joint venture may be obtained from: Center for Waste Reduction Technologies, 345 East 47th Street, New York, NY 10017–2395.

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 95–9956 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cross Industry Working Team Project

Notice is hereby given that, on March 8, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Corporation for National Research Initiatives (''CNRI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of the Cross Industry Working Team Project (''XIWT''). The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following parties have become Primary Members of XIWT: Bell Atlantic Network Services, Inc., Philadelphia, PA; The Ericsson Corporation, Washington, DC; Fujitsu Network Switching of America, Inc., Raleigh, NC; NEC USA, Inc., Mellville, NY; and Northern Telecom, Inc., Nashville, TN. Prodigy Services Company, White Plains, NY, has become an Associate Member of XIWT. Bay Networks, Inc. (formerly Wellfleet Communications, Inc.), Billerica, MA, has changed from a Primary Member to an Associate Member.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CNRI intends to file additional written notifications disclosing all changes in membership.

On September 28, 1993, CNRI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 17, 1993 (58 FR 66022).

The last notification was filed with the Department on August 5, 1994. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 14, 1994 (59 FR 56532).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–9958 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Fuel Filtration Cooperative Research Program

Notice is hereby given that, on February 10, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301, *et seq.* (''the Act''), Southwest Research Institute (''SwRI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of a party to its group research project entitled ''Fuel Filtration Cooperative Research Program.'' The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, United Defense LP, San Jose, CA (effective January 10, 1995) has become a party to the group research project.

No other changes have been made in either the membership, or planned activity of the group research project. Membership in this group research project remains open, and SwRI intends to file additional written notifications disclosing all changes in membership.

On October 5, 1994, SwRI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 30, 1994, (59 FR 67733–34).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–9960 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—High-Information Content Display Technology Joint Venture

Notice is hereby given that, on February 6, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), High-Information Content Display Technology Joint Venture has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Kopin Corporation, Taunton, MA; and Philips Electronics North America Corporation, Briarcliff Manor, NY.

The purpose of this venture is to develop the technology for high-information content liquid crystal projection display systems necessary for monitors, multimedia applications and high-definition television, including liquid crystal display development, data processing methods and systems integration.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–9957 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993— Petroleum Environmental Research Forum Project No. 94–05

Notice is hereby given that, on March 10, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Participants in the Petroleum Environmental Research Forum (''PERF'') Project No. 94–05, titled ''Cooperative Air Program for Clean Air Act Amendments Compliance Research'', have filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Amoco Oil Company, Naperville, IL; BP Oil, Cleveland, OH; Chevron Research and Technology Company, Richmond, CA; Exxon Research and Engineering Company, Florham Park, NJ; Mobil Research and Development Corporation, Paulsboro, NJ; Phillips Petroleum Company, Bartlesville, OK; Texaco, Inc., Port Arthur, TX; and Shell Development Company, Houston, TX.

The objective of this Program is to develop approaches, data, and technologies that lead to cost effective compliance with the Clean Air Act and its Amendments as applied to petroleum, petrochemical and chemical industry facilities. The activities to be carried out include the collection, exchange and analysis of research, development of basic engineering techniques, and systematic study of phenomena related to achieving these objectives.

Participation in the Program remains open to interested persons and organizations until issuance of the final Project Report,which is presently anticipated to occur 36 months after the date of publication of this notice. PERF also intends to file additional written notifications disclosing all changes in membership of the Participants in the Program. Information regarding participation in the Program may be obtained from John King, Shell Development Company, Westhollow Technology Center EC–252, Houston, TX 77082–3101.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–9959 Filed 4–21–95; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before June 8, 1995. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are

updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Labor maintained by the Office of the Executive Secretariat (N1–174–94–3). Invitations and meeting request files.
2. Department of Veterans Affairs, Veterans Health Administration (N1–15–95–4). Older electronic data tapes for which documentation required to read tapes is lacking.
3. Department of Veterans Affairs, Veterans Health Administration (N1–15–95–3). Monthly Reports of Restraint and Seclusion Files.
4. Bipartisan Commission on Entitlement and Tax Reform (N1–220–95–6). Comprehensive schedule.
5. Bonneville Power Administration (N1–305–95–1). Records documenting land policies of other Federal agencies or state and local governments.
6. Government Printing Office (N1–149–95–1). Comprehensive records schedule.
7. National Archives and Records Administration (N2–370–95–1). Fourteen poor visual quality motion picture films created by the National Operational Meteorological Satellite System, c. 1950–1960.
8. Office of Management and Budget (N1–51–95–1). On-line versions of automated budget data. (Archived versions of automated budget files will be preserved.)
9. Central Intelligence Agency (N1–263–92–2). Automated and textual records tracking real property holdings.

Dated: April 13, 1995.

Ralph C. Bledsoe,

Acting Archivist of the United States.

[FR Doc. 95–10003 Filed 4–21–95; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on May 5–6, 1995. The Council will meet from 9 a.m. to 6:15 p.m. on May 5, 1995 and from 8:30 a.m. to 1 p.m. on May 6, 1995 in Room MO–9, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on May 5, 1995, from 9 a.m. to 6:15 p.m. and from 10:30 a.m. to 1 p.m. on May 6, 1995. Topics of discussions will include opening remarks; a Legislative Update; a preliminary discussion of the FY 97 Budget; a report from the Council Operations Committee; a discussion of Financial Need as a Review Criterion; A Program Reviews and/or Guidelines for the State and Regional, Local Arts Agencies, and International, Literature, Music and Visual Arts Programs.

The remaining portion of this meeting on May 6, 1995 from 8:30 a.m. to 10:30 a.m. is for the purpose of reviewing nominations for the National Medal of Arts. In accordance with the determination of the Chairman of April 18, 1995, this session will be closed to the public pursuant to subsections (c)(6) and 9(B) of section 552b of Title 5, United States Code.

If, in the course of application discussion review, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Any interested persons may attend, as observers, Council discussions and reviews which are open to the public.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Karen Murphy, Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

Dated: April 19, 1995.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–10032 Filed 4–21–95; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Services to Composers Section) to the National Council on the Arts will be held on May 19, 1995, 9 a.m. to 4:30 p.m. This meeting will be held in Room M–14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 2:30 p.m. to 4:30 p.m. for a policy discussion and guidelines review.

The remaining portion of this meeting from 9 a.m. to 2:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: April 17, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–10033 Filed 4–21–95; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Advisory Panel; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Name: Special Emphasis Panel for Biological Sciences.

Date and Time: May 11 and 12, 1995; 8:30 a.m.–5 p.m.

Place: National Science Foundation, Room 380, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Part-open.

Contact Persons: Dr. David Vleck, Program Director, Ecological and Evolutionary Physiology, Dr. Ronald Barfield, Program Director, Animal Behavior Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: May 11, 1995 4 p.m. to 5 p.m.—for a discussion Integrative Biology and Neuroscience on research trends and opportunities and assessment procedures.

Closed Session: May 11, 1995, 8:30 a.m.–4 p.m.; May 12, 1995 8:30 a.m. to 5 p.m. To review and evaluate Ecological and Evolutionary Physiology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 18, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–10002 Filed 4–21–95; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 1995.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of April 1, 1995, of 25 rescission proposals and seven deferrals contained in four special messages for FY 1995. These messages were transmitted to Congress on October 18, and December 13, 1994, and on February 6, and February 22, 1995.

Rescissions (Attachments A and C)

As of April 1, 1995, 25 rescission proposals totaling $1,067.8 million had been transmitted to the Congress. Attachment C shows the status of the FY 1995 rescission proposals.

Deferrals (Attachments B and D)

As of April 1, 1995, $2,512.2 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1995.

Information from Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the **Federal Register** cited below:

59 FR 54066, Thursday, October 27, 1994

59 FR 67108, Wednesday, December 28, 1994

60 FR 8842, Wednesday, February 15, 1995

60 FR 12636, Tuesday, March 7, 1995

Alice M. Rivlin,

Director.

ATTACHMENT A—STATUS OF FY 1995 RESCISSIONS

[In millions of dollars]

	Budgetary resources
Rescissions proposed by the President	1,067.8
Rejected by the Congress	.....
Currently before the Congress	1,067.8

ATTACHMENT B—STATUS OF FY 1995 DEFERRALS

[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	4,699.1
Routine Executive releases through April 1, 1995 (OMB/Agency releases of $2,188.5 million, partially offset by cumulative positive adjustment of $1.6 million)	−2,186.9
Overturned by the Congress	.....
Currently before this Congress	2,512.2

ATTACHMENT C—STATUS OF FY 1995 RESCISSION PROPOSALS—AS OF APRIL 1, 1995

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amounts pending before congress		Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
		Less than 45 days	More then 45 days					
Department of Agriculture								
Foreign Agricultural Service:								
Public Law 480 program account	R95–1	.....	43,865	2–6–95	43,865	3–28–95	.....	.....
Public Law 480 grants, title I (OFD), II, and III.		.....	98,635	2–6–95	98,635	3–28–95	.....	.....
Food and Nutrition Service—Food stamp program.	R95–2	.....	2,900	2–6–95	2,900	3–28–95	.....	.....
Department of Commerce								
National Telecommunications and Information Administration—Public broadcasting facilities, planning and construction.	R95–3	.....	18,000	2–6–95	18,000	3–31–95	.....	.....
Department of Education								
Office of Elementary and Secondary Education—School improvement programs.	R95–4	.....	138,084	2–6–95	35,000	3–15–95	.....	.....
	R95–4A	.....	−35,000	2–22–95	103,084	3–30–95	.....	.....
Office of Vocational and Adult Education—Vocational and adult education.	R95–5	.....	43,888	2–6–95	43,888	3–30–95	.....	.....
Office of Postsecondary Education:								
Higher education	R95–6	.....	26,903	2–6–95	26,903	3–30–95	.....	.....
College housing and academic facilities program.	R95–7	.....	168	2–6–95	168	3–30–95	.....	.....
Office of Educational Research and Improvement:								
Education research, statistics, and improvement.	R95–8	.....	750	2–6–95	750	3–30–95	.....	.....
Libraries	R95–9	.....	12,942	2–6–95	12,942	3–31–95	.....	.....
Department of Health and Human Services								
Health Resources and Services Administration—Health resources and services.	R95–10	.....	29,147	2–6–95	29,147	3–28–95	.....	.....
Department of Health and Human Services								
Centers for Disease Control and Prevention—Disease control, research, and training.	R95–11	.....	1,300	2–6–95	1,300	3–28–95	.....	.....
National Institutes of Health—National Center for Research Resources.	R95–12	.....	1,000	2–6–95	1,000	3–28–95	.....	.....
Department of Housing and Urban Development								
Housing Programs:								
Annual contributions for assisted housing.	R95–13	.....	439,200	2–6–95	439,200	3–28–95	.....	.....
Congregate services	R95–14	.....	37,000	2–6–95	37,000	3–28–95	.....	.....
Department of Labor								
Bureau of Labor Statistics—Salaries and expenses.	R95–15	.....	1,100	2–6–95	1,100	3–29–95	.....	.....
Department of Transportation								
Federal Railroad Administration—Local rail freight assistance.	R95–16	.....	13,216	2–6–95	13,216	3–31–95	.....	.....
Office of the Secretary—Payments to air carriers (Airport and airway trust fund).	R95–17	.....	7,680	2–6–95	(1)	.....	.....	.....
Environmental Protection Agency								
Abatement, control, and compliance	R95–18	.....	11,642	2–6–95	6,835	2–6–95	.....	.....
	R95–18A	.....	−6,835	2–6–95	4,807	3–28–95	.....	.....
Water infrastructure financing	R95–18B	.....	3,200	2–6–95	3,200	3–28–95	.....	.....
Research and development	R95–18C-1	.....	3,635	2–6–95	3,635	3–28–95	.....	.....

ATTACHMENT C—STATUS OF FY 1995 RESCISSION PROPOSALS—AS OF APRIL 1, 1995—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amounts pending before congress		Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
		Less than 45 days	More then 45 days					
	R95–18C–1	.....	(2)	2–22–95	.....	.....	.....	.....
National Aeronautics and Space Administration								
Mission support	R95–19	.....	1,000	2–6–95	1,000	3–28–95	.....	.....
Construction of facilities	R95–20	.....	27,000	2–6–95	27,000	3–28–95	.....	.....
Small Business Administration								
Salaries and expenses	R95–21	.....	15,000	2–6–95	15,000	4–6–95	.....	.....
Other Independent Agencies								
Chemical Safety and Hazard Investigation Board—Salaries and expenses.	R95–22	.....	500	2–6–95	500	3–28–95	.....	.....
National Science Foundation—Academic research infrastructure.	R95–23	.....	131,867	2–6–95	131,867	3–27–95	.....	.....
Total Rescissions		0	1,067,787	.....	1,101,942	.....	0	.....

[1] Funds were never withheld from obligation.
[2] Language.

ATTACHMENT D—STATUS OF FY 1995 DEFERRALS—AS OF APRIL 1, 1995

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amounts transmitted		Date of message	Releases(−)		Congressional action	Cumulative adjustments (+)	Amount deferred as of 4–1–95
		Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
Funds Appropriated to the President									
International Security Assistance:									
Economic support fund	D95–1	53,300	.....	10–18–94	.....	.....	.....	.....	.....
	D95–1A	.....	1,173,948	12–13–94	151,839	.....	.....	1,647	1,077,056
Foreign military financing grants	D95–2	3,139,279	.....	10–18–94	1,821,280	.....	.....	.....	1,317,999
Foreign military financing program account.	D95–3	47,917	.....	10–18–94	42,774	.....	.....	.....	5,143
Military-to-military contact program	D95–4	2,000	.....	10–18–94	.....	.....	.....	.....	2,000
Agency for International Development—International disaster assistance, executive.	D95–5	169,998	.....	10–18–94	127,830	.....	.....	.....	42,168
Department of Health and Human Services									
Social Security Administration—Limitation on administrative expenses.	D95–6	7,319	.....	10–18–94	.....	.....	.....	.....	.....
	D95–6A	.....	2	2–22–95	.....	.....	.....	.....	7,321
Department of State									
Bureau for Refugee Programs—United States emergency refugee and migration assistance fund.	D95–7	105,300	.....	10–18–94	44,814	.....	.....	.....	60,486
Total, Deferrals		3,525,113	1,173,950	.....	2,188,538	.....	.....	1,647	2,512,172

[FR Doc. 95–10050 Filed 4–21–95; 8:45 am]

BILLING CODE 3110–01–M

Electronic Government and the National Information Infrastructure

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of inquiry and electronic open meeting.

SUMMARY: The Office of Management and Budget (OMB) seeks comments from all interested parties on how Federal, State, local, and Tribal governments should interact with industry, the public interest and library communities, academia, and the general public on the National Information

Infrastructure. This notice is part of the work of the Information Policy Committee of the Information Infrastructure Task Force. To facilitate public input, OMB, along with the Commerce Department's National Technical Information Service (NTIS) and National Telecommunications and Information Administration (NTIA), the National Performance Review (NPR), and assistance from the US Government Printing Office, will host a nationwide electronic open meeting to discuss a number of questions related to this topic.

DATES: An electronic open meeting will be held from May 1 to 14, 1995. Those who wish to may submit written comments no later than May 31, 1995.

FOR FURTHER INFORMATION OR TO SUBMIT WRITTEN COMMENTS CONTACT: *To Submit Written Comments send to:* Information Policy and Technology Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10236, New Executive Office Building, Washington, D.C. 20503.

For Further Information contact: Lew Oleinick, Telephone: (202) 395–4638, E-mail: OLEINICK—L@A1.EOP.GOV

SUPPLEMENTARY INFORMATION:

Background

The world has entered the age of electronic information. We are present at the creation of a Global Information Infrastructure that will build on what aviation and communications have already done to shrink the world into ever more interdependent communities. Our U.S. National Information Infrastructure (NII) will in many ways be the paradigm upon which the global infrastructure is modeled.

The NII is a combination of facilities, services, and people that will allow all Americans to send and receive information when and where they want it at an affordable cost. The NII includes the physical facilities used to transmit, store, process, and display voice, data, and images. It includes software and services, including security services, that will integrate and interconnect these physical components through the efforts of a wide variety of private sector providers. It includes vast quantities of information that exist today in government agencies and the valuable information produced every day in the private sector. Finally, it includes all Americans, but especially the people who create information, develop applications, information products and services, construct facilities, and train others to tap the NII's potential.

The Federal government should be in step with the change from paper to electronic information. The U.S. government is the world's largest creator, collector, user, and disseminator of information. Sound scientific research, the public health and safety, and the delivery of benefits and services are a few of the national priorities that depend on Federal information systems.

The Federal government, then, should act as a facilitator and catalyst to the development of the NII. It should help create a legal and policy framework that allows the information highway to develop in a manner consistent with consumer choice, universal service, and security and privacy protections. It should also be a model user—creating a government that works better and costs less by using technology to improve information dissemination and service delivery.

For the NII to succeed, it must be built upon a partnership of business, labor, academia, the public, and government that is committed to deployment of an advanced, rapid, powerful infrastructure accessible and accountable to all Americans. The Administration has established the Information Infrastructure Task Force (IITF) to coordinate the Administration's efforts to formulate forward-looking telecommunications and information policy. Its goals are set forth in the Agenda for Action, published on September 15, 1993.

One of the fundamental tenets of the Administration's philosophy is that government information is a public asset and a valuable national resource. The Federal government should make information available to the public on timely and equitable terms. It is also necessary to foster the existing diversity of information sources, in which the private sector, along with State and local governments, libraries, and other entities, are significant partners. On the one hand, this means that the government should not expend public resources filling needs which have already been met by others in the public or private sector. On the other, it means that the Federal government should actively disseminate its information at the cost of dissemination and not attempt to exert copyright-like controls or other restrictive practices on government information. These guiding principles are set forth in OMB Circular A–130, most recently republished in the **Federal Register** on July 25, 1994. (59 FR 26906).

Toward those goals, the recent revisions to the Office of Management and Budget Circular A–130 have increasingly focused on the exchange of information with the public and the promotion of agency investments in technologies that improve service delivery to the public. On December 7, 1994, OMB Bulletin 95–01 unveiled the Government Information Locator Service (GILS)—the ''virtual card catalog'' called for in the Agenda for Action. This first phase of GILS is a step toward improving the infrastructure for information and service delivery to the public.

Even before GILS, a number of Federal agencies, such as the Department of Commerce's ''NTIS FedWorld'' and the Government Printing Office's ''GPO Access'' systems, were using dial-up electronic bulletin boards and connections to the Internet. The GILS initiative then is an effort to stimulate the expanded use of electronic access and dissemination practices in a more coordinated manner.

Beyond GILS, questions arise as to other appropriate courses of action for the near and far term. Generally, how should Federal, State, local, and Tribal governments interact with industry, the public interest and library communities, academia, and the general public on the National Information Infrastructure? More specifically, how can the delivery of services to the public be enhanced by electronic means? What services should they be, and how can they be delivered cost effectively and within overall budgetary constraints? What methods are best suited to further disseminate government information to the public, collect information from the public, and reduce burden while maximizing efficiency? In what ways can the interaction between agencies of the Federal government, or between agencies at the Federal, state and local levels be improved? How can we best encourage partnerships among governmental entities at all levels with private sector entities to ensure a diversity of information sources, providers and facilitators? Finally, what are the priorities? These topics are elucidated further below for discussion in the electronic open meeting.

Five relevant topic areas have been identified:

Services—from emergency help to health care,

Benefits—from social security and food stamps to small business grants,

Information—from declassified secrets and travel aids to satellite weather maps,

Participatory Democracy—improving everyone's opportunity to participate in rulemaking and other governmental decisions,

Technology—how the technical portion of electronic government will work.

The following sections provide additional information and issues for discussion. Participants will provide us with comments, questions, and suggestions to particular issues or problems.

Services: From Emergency Help to Health Care

The Federal government provides a range of services from disaster relief and public safety to health care. Already, information technology is being used to help deliver these services. Fishing licenses are being issued from electronic terminals and reservations for a campground in a National Park can be made on-line. Governments at all levels are creating electronic systems like California's ''Info/California'' kiosk based service delivery that, so far, includes twelve State agencies, two county governments and the US Internal Revenue Service. The US Postal Service has been a leader in kiosk-based service delivery and continues to expand its use of kiosks.

In the public safety arena, for years the FBI's National Crime Information Center has helped State and local police catch fugitives from justice no matter where they attempt to hide. And each year the American people and governments at all levels must cope with natural disasters—tornadoes, floods, earthquakes and hurricanes. Property is destroyed and, most tragically, lives are lost. In times like these how can governments best deliver the services that are needed? How can information technology assist governments and the public in these times of need?

Questions related to services: As electronic delivery systems evolve what government services should they provide and where should they be located—in libraries, schools, shopping centers, community centers? When are kiosks a good idea? How should these services be paid for or funded? What types of services would be best provided by using information technology?

Benefits: From Social Security and Food Stamps to Small Business Loans

Social Security, Medicaid, Medicare, Aid to Dependent Children, and care to disabled veterans are some of the major Federal benefits programs. Can governments deliver these benefits more quickly and efficiently while maintaining the accountability and security of the programs and the dignity of the recipients?

Each year some $500 billion in cash payments and food assistance are provided to needy Americans. Most of these entitlements are delivered by checks or vouchers—paper and postage—while some are directly deposited electronically into bank accounts—no paper, no postage. But, many recipients of this form of assistance do not have bank accounts. In these instances, how can we take advantage of emerging technologies, avoid paper and postage and thus save time and money? An answer may be electronic transfer of benefits to a credit card-like benefits card. This is actually being done in several states right now.

Systems using bank-like automated teller machines and retail point-of-sale terminals (scanners already installed in many grocery stores) are undergoing testing in six states (Iowa, Minnesota, New Jersey, New Mexico, Ohio, and Pennsylvania) and are planned in thirty-one more. This year Texas goes on-line with the nation's largest electronic benefit transfer (EBT) system. Elsewhere, eight other southern states are joining forces to create the first regional system and every month since 1993, Maryland's ''Independence Card'' program has delivered some $57 million in food stamps, welfare and child-support benefits to 170,000 households statewide. No paper, no postage, and no lost or stolen checks.

Of course, entitlement programs are not the only types of government benefits. Also included are small business loans and grants for educational projects and agricultural research. For example, notices of National Science Foundation grants are available on-line. They may be downloaded and printed by the applicant at his or her ease. When an application is completed, it may be submitted to the National Science Foundation by electronic mail. The whole process has been made more efficient and user-friendly which ends up saving the taxpayers' money.

Questions regarding benefits: What do people think about the pilot EBT projects in Iowa, Minnesota, New Jersey, New Mexico, Ohio, and Pennsylvania? What have people's experiences been with the Maryland EBT program? How can governments continue to improve the delivery of other benefits? Which enabling technologies should we pursue? Are added safeguards needed to protect from fraud and abuse or will electronic transfer make controls easier?

Information: From Declassified Secrets and Travel Aids to Satellite Weather Maps

Government agencies at all levels collect, maintain and disseminate an incredible array of information. It ranges from routine data relating to consumer products to vital weather information. It includes layers of regulations that apply to small businesses, major corporations or even government agencies themselves. We know the information is out there, but how do we find it? Until recently, our only option was to write or call the agency that had the information. Of course, first we had to figure out which agency that was. And then we waited.

All of that is changing. In December 1994, the Federal Government Information Locator Service (GILS) was launched. As it evolves, more and more Federal data will be at our fingertips. This locator service is similar to the card catalog at the local library, only it is electronic and on-line. GILS allows one to search on-line using a specific set of key-words of interest to locate appropriate subject matter. For example, suppose one had an interest in a major construction project and its effect on wildlife habitat. Using GILS, one could locate the various environmental impact statements. In addition, one might also locate pertinent satellite photographs.

Even declassified secrets are available electronically on the Department of Energy's OpenNet service. More agencies will follow. The National Archives and Records Administration is developing a government-wide declassification database.

One information source which is quite useful when planning to plant or harvest crops, or when planning a day at the beach, is the National Oceanic and Atmospheric Administration's (NOAA) national weather forecasts. These forecasts are available for any city in the United States which has a NOAA weather station. At last count, there were over 150 city forecasts available from NOAA's on-line computers.

For businesses, the Department of Commerce provides a bulletin board which contains timely economic information. For companies involved in export activities with Mexico and Canada, such items as export and import levels for particular product categories, such as paper products, from these two countries are easily available.

For the academic community, the Department of Commerce's Bureau of the Census provides a bulletin board containing detailed demographic information about our country's citizens. For the medical community, the National Institutes of Health provide a bibliography of medical and scientific articles which allow physicians and scientists to remain up-to-date with the latest advances in medicine.

Questions regarding information dissemination. What level of effort should the Federal government devote to electronic dissemination of

government information? Are there benefits to the public at large or only to relatively sophisticated professional researchers, environmentalists, historians, or scientists? Where should access be available—at libraries, schools, community centers, on home computers? Which enabling technologies should be pursued?

Participatory Democracy: Improving Everyone's Opportunity to Participate in Rulemaking and other Governmental Decisions

While several million Americans have electronic mail capability, with a population of more than 250 million, such access is still relatively limited. More and more agencies are advertising that they are now ''on-line'' and are soliciting citizens to contact them at their electronic mail address.

There is little dispute that using information technology to support government rulemaking can reduce costs for both agencies and the public. And, as a practical matter, electronic notices can possibly reach a greater number of interested parties than by merely publishing in the **Federal Register**, corresponding by mail, talking by telephone and traveling to hearings and meetings. This same technology also enables interested parties to review public comments without having to travel to Washington, D.C. or file Freedom of Information Act requests. For example, the Department of Commerce's National Telecommunication and Information Administration recently used electronic mail to gather responses to a report on reallocating the Federal radio spectrum. The report was placed on-line and was made available through an electronic bulletin board system and via the Internet. Sixty organizations responded to the report. These sixty responses were then placed on-line for everyone to see and discuss.

A related effort is making available to the public the rules and regulations they are expected to follow. Also relevant are legislative materials and supporting documents, such as Congressional committee reports. The ultimate issue is whether the National Information Infrastructure can make it possible, more practical, and more attractive for Americans to participate in government at all levels.

Questions regarding participatory democracy. As more of us utilize information technology to participate in governmental processes will the volume become overwhelming? How do we balance the level of involvement with expectations and governments' ability to deliver? What are the best strategies for seeing that citizens have access to the rules, regulations and related information needed to comply with government requirements and how can we improve their ability to participate in the rulemaking process?

Technology: How the Information Infrastructure of Electronic Government Will Work

We are in an era of technological upheaval—the information age. The advances in information technologies of all types have caused businesses to rethink the way they operate and governments to reinvent the way they do business. The future look of government is what this electronic meeting is all about. How will it work for Americans?

In the other topical discussion areas, we are talking about what electronic governments will do and generally how it will be done. Here, it is more what they will do it with—the technological tools to accomplish the tasks of governing.

The Information Infrastructure Task Force, a Federal government body, along with the Information Infrastructure Advisory Council, made up of representatives of State and local governments, industry, and academia, are also looking at the face of future governments. They are looking at issues such as the need for telecommunications reform, security matters, privacy, reliability and vulnerability, intellectual property rights, health issues and the technologies themselves.

Interoperability, the ability to communicate with one another, is a critical goal for future governments. Federal, State, Tribal and local agencies must be able to interact instantly and effectively.

Questions regarding the technology of electronic government. What will be the role of the Internet or its progeny? What criteria should be used for selecting the appropriate technology for a given function or the delivery of particular services? Does interoperability of governmental systems cause concerns? What if some government agencies systems aren't interoperable or they can't afford a system at all? Will their citizen customers suffer as a result? Will the information they use be as accurate and timely as necessary? What about reliability? We know it is essential, but won't technological vulnerabilities still exist? Will governments become so dependent on the use of advanced technologies that they will be unable to function if the system fails during an emergency?

Electronic Availability and Electronic Open Meeting

General: This document, along with the other documents referenced herein, are available by any HTML viewer, such as Mosaic or Netscape, at: URL:http://meeting.fedworld.gov, or via FTP from meeting.fedworld.gov

For those with electronic mail access who wish to find out more about the open meeting, send a blank electronic mail message to: info@meeting.fedworld.gov This will result in delivery of a more detailed description of the electronic open meeting.

Public Access Sites: A primary goal of the meeting is to enable as many Americans as possible to participate. This includes people who do not have a computer with a modem, or access to the Internet. In order to permit their participation, a number of ''Public Access Sites'' have been established. To either locate the nearest Public Access Site, or to order a list of all Public Access Sites, call the GPO Access Support Team at (202) 512–1530 or, for the duration of the meeting, (800) 881–6842.

Participation options: It is possible to participate in the electronic open meeting in four ways depending upon desired level of interaction—electronic mail of comments, subscription to a ''Listserv,'' subscribing to a ''Usenet'' newsgroup, and accessing the open meeting homepage via an HTML viewer, such as ''Mosaic'' or ''Netscape''.

Electronic mail of comments—This is the easiest way to participate in the open meeting. However, interaction will be limited. Choosing one of the options below is recommended.

Subscribing to a Mailing List—Subscribing to a mailing list allows more interactive participation in the meeting. When one subscribes to a mailing list, one receives all the mail messages which everyone posts to the mailing list. It is much like putting a note on a bulletin board. However, instead of having to go to the bulletin board to look for new messages, the bulletin board comes to you in the form of electronic mail. To subscribe to the National Electronic Open Meeting mailing list, send an e-mail to: join@meeting.fedworld.gov

The text of the e-mail message should be:

subscribe topic your __ name

where the first word of the message must be the word ''subscribe,'' the second word of the message must be the topic acronym, and the last two words of the message must be your name. The topic acronyms are:

services
benefits
infoaccs
partdemo
techgoal

Services and benefits are obvious acronyms. ''Infoaccs'' refers to the ''information'' topic. ''Partdemo'' refers to the ''participatory democracy'' topic. ''Techgoal'' refers to the ''technology'' topic. For example, to subscribe to the ''benefits'' topic, an individual would send the message:

subscribe benefits Joe Smith
to
join@meeting.fedworld.gov

Individuals who subscribe to a mailing list topic will receive (via e-mail) a welcome message with information about the topic and will also automatically receive (via e-mail) all comments posted to that topic. To submit a comment on a particular topic, send an e-mail message containing the comment to

topic@meeting.fedworld.gov

where the ''topic'' is one of the topic acronyms detailed above. For example to submit a comment to the technology topic, send an e-mail message containing that comment to: techgoal@meeting.fedworld.gov

It is expected that each topic will generate a large number of comments. Individuals using the mailing lists to participate in the conference should expect to receive a very large number of e-mail messages.

Subscribing to a USENET newsgroup—Subscribing to a USENET newsgroup is similar to joining a mailing list. The difference is that to subscribe to a USENET newsgroup, one needs to have a newsreader configured for his or her own computer. Remember, you will need to ensure that your News provider carries the appropriate alt.gov.meeting Newsgroups. Many News providers do no carry the alt. Newsgroups. Please ensure that your provider has the Newsgroups available. You should notify your News provider of your interest in accessing the Newsgroups immediately.

If you are familiar with a newsreader on your system, you will be able to participate in the newsgroups like any other regular newsgroup. The newsgroups have the following names:

alt.gov.meeting.services
alt.gov.meeting.benefits
alt.gov.meeting.infoaccs
alt.gov.meeting.partdemo
alt.gov.meeting.techgoal

Each of the newsgroups corresponds with one of the five subject areas, described in detail above.

World Wide Web Access—Using a World Wide Web browser offers the greatest level of interaction for participating in the electronic open meeting. Point the browser to: http://meeting.fedworld.gov

The participant will arrive at a user friendly interface from where one can search the different newsgroup mailing list responses and reply (either anonymously or not) as one deems appropriate. The participant will also be able to view background documents on-line.

Accessing Background Materials On-line—Any user who has access to a file transfer program, such as FTP or Fetch, may access the document archive from: meeting.fedworld.gov or may view the relevant documents by pointing a Web browser to the open meeting homepage URL cited above.

Dialing-In to FedWorld—Individuals wishing to use the FedWorld Bulletin Board will need a computer, a modem, and a communications program. The bulletin board can by accessed by calling 1–703–321–3339. For the duration of the meeting, if you are calling long-distance, please dial 1–800–779–3272. The communication parameters are no parity, eight data bits, and one stop bit, commonly referred to as N–8–1 or 8–N–1. The FedWorld Bulletin Board will allow full participation in the meeting and will contain all the instructions necessary to participate in the open meeting.

Relevant Information Sources

The following documents relevant to the topics to be discussed in the electronic open meeting are available electronically via anonymous FTP at: meeting.fedworld.gov The description of each document is followed by its file designation.

''Public Information in the National Information Infrastructure,'' Report to the Regulatory Information Service Center, General Services Administration, and to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, Henry R. Perritt, Jr., Villanova University Law School, September, 1994. PERRITT1.TXT

''The Electronic Agency and The Traditional Paradigms of Administrative Law,'' Henry R. Perritt, Jr., Administrative Law Review, Vol. 44, pp. 79–105, Winter 1992. PERRITT2.TXT

''Agenda for Access: Public Access to Federal Information for Sustainability through the Information Superhighway,'' The Bauman Foundation, Washington, DC, January 1995. BAUMAN.TXT

''Information Superhighway: Issues Affecting Development,'' US General Accounting Office, Report to the Congress, September, 1994, Wash., DC, GAO/RCED–94–285. GAO94285.TXT

''Information Superhighway: An Overview of Technology Challenges,'' US General Accounting Office, Report to the Congress, January, 1995, Wash., DC, GAO/AIMD–95–23. GAO9523.TXT

''Executive Guide: Improving Mission Performance Through Strategic Information Management and Technology—Best Practices,'' US General Accounting Office, Comptroller General of the United States, May, 1994, Wash., DC, GAO/AIMD–94–115. BESTPRAC.HTM (only by HTML viewer)

''Making Government Work: Electronic Delivery of Federal Services,'' US Congress, Office of Technology Assessment, September, 1993, Wash., DC, OTA-TCT–578. GOVWORK.TXT

''Reengineering Through Information Technology: Creating a Government That Works Better and Costs Less,'' National Performance Review, Accompanying Report of the National Performance Review, Office of Vice President, September, 1993, Wash., DC. REENGIN.TXT

''Management of Federal Information Resources, Office of Management and Budget Circular A–130,'' 59 **Federal Register** 37906, 25 July 1994. OMB __ A130.TXT

''National Information Infrastructure; Draft Principles for Providing and Using Personal Information and Commentary; Notice,'' 60 **Federal Register** 4362, 20 January 1995. PRIVPRIN.TXT

''The National Information Infrastructure: Agenda for Action,'' Information Infrastructure Task Force, 15 September 1993. AGENDA.TXT

''The Information Infrastructure: Reaching Society's Goals,'' Report of the Information Infrastructure Task Force Committee on Applications and Technology, National Institute of Standards and Technology, US Department of Commerce, Wash., DC, September, 1994. GOALS.TXT

''Protecting Privacy in Computerized Medical Information,'' US Congress, Office of Technology Assessment, September, 1993, Wash., DC, OTA–TCT–576. MEDPRIV.TXT

''Putting the Information Infrastructure to Work,'' Report of the Information Infrastructure Task Force Committee on Applications and Technology, National Institute of Standards and Technology, US Department of Commerce, Wash., DC, May, 1994. PUT2WORK.TXT

''Breaking the Barriers to the National Information Infrastructure,'' A Conference Report by the Council on Competitiveness, Wash., DC, December, 1994. BARRIERS.TXT

Conclusion

After the public meeting and receipt of comments, we will analyze the results and prepare a report. The report will summarize not only the substantive comments received, but will evaluate the success of the meeting. Notice of availability of the report will be published on-line and in the **Federal Register**.

We hope that the lessons learned from this meeting will be extremely useful to future developers of nation-wide electronic open meetings.

Sally Katzen

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 95–10051 Filed 4–21–95; 8:45 am]

BILLING CODE 3110–01–P

POSTAL RATE COMMISSION

[Docket No. A95–8; Order No. 1051]

Before Commissioners: Edward J. Gleiman, Chairman; W. H. ''Trey'' LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

In the Matter of: Benedict, Minnesota 56436 (Irv Morrill, Petitioner).

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued April 14, 1995.

Docket Number: A95–8.

Name of Affected Post Office: Benedict, Minnesota 56436.

Name(s) of Petitioner(s): Irv Morrill.

Type of Determination: Consolidation.

Date of Filing of Appeal Papers: March 31, 1995.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by April 17, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

March 31, 1995: Filing of Appeal letter
April 14, 1995: Commission Notice and Order of Filing of Appeal
April 25, 1995: Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]
May 5, 1995: Petitioner's Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)]
May 25, 1995: Postal Service's Answering Brief [see 39 CFR 3001.115(c)]
June 9, 1995: Petitioner's Reply Brief should Petitioner choose to file one [see 39 CFR 3001.115(d)]
June 16, 1995: Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]
July 29, 1995: Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95–10034 Filed 4–21–95; 8:45 am]

BILLING CODE 7710–FW–P

[Docket No. A95–9; Order No. 1052]

Before Commissioners: Edward J. Gleiman, Chairman; W. H. ''Trey'' LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

In the Matter of: Clarkia, Idaho 83812 (Dawn Kruger, Petitioner).

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued April 14, 1995.

Docket Number: A95–9.

Name of Affected Post Office: Clarkia, Idaho 83812.

Name(s) of Petitioner(s): Dawn Kruger.

Type of Determination: Consolidation.

Date of Filing of Appeal Papers: April 3, 1995.

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by April 18, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

April 3, 1995: Filing of Appeal letter
April 14, 1995: Commission Notice and Order of Filing of Appeal
April 28, 1995: Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]
May 8, 1995: Petitioner's Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)]
May 29, 1995: Postal Service's Answering Brief [see 39 CFR 3001.115(c)]
June 13, 1995: Petitioner's Reply Brief should Petitioner choose to file one [see 39 CFR 3001.115(d)]
June 20, 1995: Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]

August 1, 1995: Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95–10035 Filed 4–21–95; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Under Review by Office of Management and Budget

Acting Agency Clearance Officer: David T. Copenhafer, (202) 942–8800

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Form U–6B–2—File No. 270–81

Rule 52—File No. 270–326

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Form U–6B–2 (17 CFR 250.20(d), 250.47(b) and 250.52(b)) and Rule 52 (17 CFR 250.52), and proposed amendments thereto, under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 *et seq.*).

Form U–6B–2 generally is necessary to provide basic information relating to securities issued, sold, reissued or guaranteed pursuant to an exemption from section 6(a) of the Act. Exemption from section 6(a) eliminates the requirement of filing a declaration of Form U–1.

Rule 52 permits public-utility subsidiary companies of registered holding companies to issue and sell certain securities without filing a declaration if certain conditions are met. Within ten days after the issue or sale of any security exempt under rule 52 (or, in some cases, on a quarterly basis), the issuer or seller must file with the Commission a certificate of notification on Form U–6B–2 containing the information prescribed by that form. Amendments to rule 52 have been proposed but not adopted. The proposed amendments would exempt additional public-utility financing, as well as certain nonutility financings. The current reporting requirement would not change as a result of these amendments.

The Commission estimates that the compliance time for Form U–6B–2 is one hour per filing, compared to 142 hours per filing for Form U–1. The Commission estimates the filing of 36 certificates of notification on Form U–6B–2 per year, having an annual burden of 36 hours.

General comments regarding the estimated burden hours should be directed to the OMB Clearance 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 David T. Copenhafer, Acting Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and SEC Clearance Officer, Office of Management and Budget, Paperwork Reduction Act Project Nos. 3235–0163 (Form U–6B–2) and 3235–0369 (Rule 52), Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: April 12, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10045 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35620; File No. SR–Amex–95–10]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Amendments Updating Various Exchange Rules

April 18, 1995.

On February 22, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend several of its rules to reflect current practices and to update various rules that have become obsolete.

The proposed rule change was published for comment in Securities Exchange Act Release No. 35451 (Mar. 7, 1995), 60 FR 13742 (Mar. 14, 1995). No comments were received on the proposal.

As described more fully below, the Exchange has proposed amendments to several of its rules to conform an Amex rule to recent changes to a comparable New York Stock Exchange (''NYSE'') rule, to update certain rules that contain provisions that are no longer applicable, and to reflect current practices.

The Commission has reviewed carefully the Amex's proposed rule changes and concludes that the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with Sections 6(b)(5), 6(b)(8), and 11A(a)(1) of the Act.[3] The Commission supports the Amex's efforts to continue to review the form and substance of its market trading regulations in response to changes in market structure and eliminate requirements that no longer serve a meaningful regulatory purpose. The Commission believes that it is important to market quality that the Exchange have a regulatory program that is tailored to the current market structure. The Commission believes that the proposed rule changes will be helpful in updating the Amex market structure and trading rules and will further the purposes of the Act.

Specifically, the Exchange proposes a rule change that would amend Commentary .01 to Rule 155 (Precedence Accorded to Orders Entrusted to Specialists) to delete the prohibition that a specialist may not disclose the amount of stock that the specialist and the book would be buying or selling in cleaning up the block. The Commission agrees that the proposed amendment to Rule 155 is substantially similar to recent revisions to NYSE Rule 104.10(7) [4] and, therefore, should be approved. In the Commission's order approving the NYSE's amendment to Rule 104.10(7), the Commission stated that the changes to the rule increase fairness in execution of block orders in accordance with Section 6(b)(5) of the Act, which requires that the rules of an exchange be designed to promote just and equitable principles of trade. The Commission also stated that the rule change would help to assure that investors' orders are executed at the best possible market in accordance with section 11A(a)(1)(c)(iv) of the Act, which provides that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the practicability of brokers executing investors' orders in the best market. The Commission believes that the Exchange's proposed rule change similarly would further the purposes of the Act.

Moreover, the Exchange is updating other rules to eliminate obsolete references and reflect current Exchange practices. The Exchange proposes to

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] 15 U.S.C. 78f(b)(5), 78f(b)(8), and 78k-1(a)(1) (1988 & Supp. V 1993).

[4] See Securities Exchange Act Release No. 34231 (June 17, 1994), 59 FR 32722 (approving File No. SR–NYSE–90–10).

delete reference in Rule 5(d)(viii) (Over-the-Counter Execution of Equity Securities Transactions) to Rules 560 and 570 because these rules have been rescinded. Because Rules 560 and 570 no longer exist, the Commission agrees that these references should be deleted. The Exchange is also proposing to delete the signature requirement in Rule 181 (Cancellations Must Be Written) to reflect its current practice. The Exchange believes that the signature requirement is no longer necessary on the Trading Floor because of the use of printed tickets, which include the name and clearing number of the broker or brokerage firm. The Commission agrees that this change to remove the signature requirement is appropriate in light of technological developments in the market.

The Exchange is also proposing to amend Rules 183 (Specialist Registration Fee) and 184 (Specialist Clerks) to eliminate references to out-of-date charges and schedule of payments. The Commission agrees that the rules should be revised to delete references to the outdated fees and payment schedules. Rather than make repeated amendments in the Rules whenever the fees are changed, the Exchange proposes to use general language in these rules to refer to the fees that are imposed by the Exchange each year. The Exchange is also amending Rule 783 (d) (Normal Buy-Ins) to delete the reference to a member's entitlement to a Floor brokerag commission because such commissions are now negotiated. The Commission believes that these changes will help to remove impediments to and perfect the mechanism of a free and open market in accordance with Section 6(b)(5) of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[5] that the proposed rule change (SR–Amex–95–10) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[FR Doc. 95–10044 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78s(b)(2) (1988).

[6] 17 CFR 200.30–3(a)(12) (1994).

[Release 34–35618; File No. 600–23]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of an Amended Application for Full Clearing Agency Registration and a Request for Extension of Temporary Registration as a Clearing Agency

April 17, 1995.

Notice is hereby given that on February 3, 1995, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') an application, pursuant to Sections 17A and 19(a) of the Securities Exchange Act of 1934 (''Act''),[1] requesting that the Commission grant GSCC full registration as a clearing agency or, in the alternative, extend GSCC's temporary registration as a clearing agency until such time as the Commission is able to grant GSCC permanent registration.[2] On March 13, 1995, GSCC filed with the Commission an amended CA–1. The Commission is publishing this notice to solicit comments from interested persons on the request for extension of registration.

On May 24, 1988, the Commission approved, pursuant to Sections 17A and 19(a) of the Act and Rule 17Ab2–1(c) thereunder,[3] the application of GSCC for registration as a clearing agency on a temporary basis for a period of three years.[4] The Commission subsequently extended GSCC's registration until May 31, 1995.[5]

GSCC provides clearance and settlement services for its members' transactions in government securities. GSCC offers its members services for next-day settling trades, forward settling trades, auction takedown activity, the multilateral netting of trades, the novation of netted trades, and daily marking-to-the-market. In connection with GSCC's clearance and settlement services, GSCC provides a centralized loss allocation procedure and maintains margin to offset netting and settlement risks.

At the time of GSCC's initial registration, the Commission granted GSCC exemptions from compliance with the participation standards in Sections 17A(b)(3)(B) and 17A(b)(4)(B) and the fair representation requirements in Section 17A(b)(3)(C) of the Act.[6] GSCC has requested that the Commission remove GSCC's exemption from the participation standards in Section 17A(b)(3)(B) and 17A(b)(4)(B) of the Act.[7] The Commission recently has approved two proposed rule changes that increase the categories of those eligible for membership in GSCC's netting system.[8] In addition, GSCC has asserted that its current selection process for its board of directors, which permits any GSCC member to nominate candidates for election to the Board and to vote for candidates so nominated, assures fair representation.[9] GSCC further states that it recognizes future membership growth may require GSCC to adjust the selection process to ensure fair member representation on the Board. The Commission is reviewing GSCC's request to remove the exemptions.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing application by May 15, 1995. Such written data, views, and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Section 19(a)(1) of the Act.[10] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. 600–23. Copies of the amended application for registration and all written comments will be available for inspection at the Commission's Public

[1] 15 U.S.C. 78q–1, 78s(a) (1988).

[2] Letter from Charles A. Moran, President, GSCC, to Brandon Becker, Director, Division of Market Regulation, Commission (February 3, 1995) (''Registration Letter'').

[3] 17 CFR 240.17Ab2–1 (1994).

[4] Securities Exchange Act Release No. 25740 (May 24, 1988), 53 FR 19639.

[5] Securities Exchange Act Release Nos. 29067 (April 11, 1991), 56 FR 15652 and 32385 (June 3, 1993), 58 FR 32405.

[6] The Commission determined that GSCC's rules did not enumerate the statutory categories of membership as required by Section 17A(b)(3)(B) and the financial standards for applicants and members as contemplated by Section 17A(b)(4)(B) of the Act. 15 U.S.C. 78q–1(b)(3)(B), 78q–1(b)(4)(B) (1988). In addition, the Commission determined that while the composition of GSCC's Board of Directors reasonably reflected GSCC's anticipated initial membership, it would be appropriate to reevaluate whether GSCC's process for selecting its Board of Directors complied with the fair representation requirements in Section 17A(b)(3)(C) of the Act before granting full registration as a clearing agency. 15 U.S.C. 78q–1(b)(3)(C) (1988).

[7] See Registration Letter, note 2 supra.

[8] Securities Exchange Act Release Nos. 34935 (November 3, 1994), 59 FR 56100 (order approving establishment of new categories of netting system membership for futures commission merchants) and 32722 (August 5, 1993), 58 FR 42993 (order approving establishment of new categories of netting system membership for dealer and interdealer brokers, issuers of government securities, insurance companies, registered clearing agencies, and registered insurance companies).

[9] See Registration Letter, note 2 *supra.*

[10] 15 U.S.C. 78s(a)(1) (1988).

Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9986 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35617; File No. SR–CBOE–95–02]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Listing of Long-Term Index Options Series (''LEAPS'') With a Duration of up to Sixty Months Until Expiration

April 17, 1995.

On January 19, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to permit the listing of long-term index options series (''LEAPS'') with a duration of up to sixty months (five years) until expiration. Notice of the proposal appeared in the **Federal Register** on February 1, 1995.[3] No comment letters were received on the proposed rule change. This order approves the CBOE proposal.

The purpose of the proposed rule change is to permit the Exchange to list index LEAPS with a duration of up to sixty months (five years).[4] Presently, the Exchange has authority pursuant to CBOE Rule 24.9(b) to list index LEAPS that expire from twelve to thirty-six months from the time they are listed. The Exchange represents that there has been increasing member firm and customer interest in longer term instruments. The Exchange, therefore, is proposing to amend Exchange Rule 24.9 to permit the listing of index options with up to sixty months until expiration. In addition, the Exchange proposes to amend Rule 24.9 to allow for up to ten expiration months for index LEAPS, as opposed to the six months currently allowed. The proposal does not change any other rule regarding the listing and trading of index LEAPS.[5]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[6] Specifically, the Commission believes the proposal is designed to provide investors with additional means of hedging equity portfolios from long-term market risk with an exchange-traded security (*i.e.*, a standardized option), thereby facilitating transactions in options and contributing to the protection of investors and the maintenance of fair and orderly markets.[7]

Currently, institutional customers use index options to hedge the risks associated with holding diversified equity portfolios. The Commission continues to believe, as originally stated in its approval of the listing of index LEAPS by the Exchange, that allowing investors to lock in their hedges with longer-term index LEAPS will permit institutions to protect better their portfolios from adverse market moves.[8] Further, the Commission believes that index LEAPS with up to five years until expiration will allow this protection at a known and limited cost.[9] Moreover, the proposal will provide institutions with an additional securities product with which to hedge their portfolios as an alternative to hedging with futures positions or off-exchange customized index options.[10] Accordingly, the Commission believes that the proposed rule change will better serve the long-term hedging needs of institutional investors.[11]

Finally, although as with index LEAPS presently trading on the Exchange, specific strike price interval, bid/ask differential, and price continuity rules will not apply until the proposed longer-term index LEAPS have less than 12 months until expiration,[12] the Commission notes that CBOE's general rule obligating market makers to maintain fair and orderly markets will continue to apply to the proposed longer-term index LEAPS.[13] The Commission believes that the requirements of CBOE Rule 8.7(a) are broad enough, even in the absence of strike price interval, bid/ask differential, and continuity requirements, to provide the Exchange with the authority to make a finding of inadequate market maker performance should market makers enter into transactions or make bids or offers (or fail to do so) in the proposed longer-term index LEAPS that are inconsistent with the maintenance of a fair and orderly market.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (File No. SR–CBOE–95–02) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9978 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35614; File No. SR–CHX–95–05]

Self-Regulatory Organizations; Chicago Stock Exchange, Incorporated; Order Granting Approval to Proposed Rule Change Relating to the Authority of the Committee on Floor Procedure

April 17, 1995.

On February 10, 1995, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend CHX Rule 3 of Article XII to provide the Committee on Floor Procedure with the same authority over persons associated with a member as it currently has over members. On March 1, 1995, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change.[3]

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[11] 17 CFR 200.30–3(a)(16)(1994).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] See Securities Exchange Act Release No. 35278 (January 25, 1995), 60 FR 6324.

[4] The proposal would permit five-year LEAPS on both broad-based and narrow-based indexes on which LEAPS have been approved for trading on the CBOE.

[5] See CBOE Rule 24.9(b).

[6] 15 U.S.C. 78f(b)(5) (1988 & Supp. V 1993).

[7] The Commission also finds that extending the maximum term for Index LEAPS from three to five years does not alter the Commission's designation of index LEAPS as standardized options pursuant to Rule 9b–1(a)(4) of the Act.

[8] See Securities Exchange Act Release No. 24853 (August 27, 1987), 52 FR 33486 (September 3, 1987).

[9] *Id.*

[10] *Id.*

[11] The Commission's findings are predicated on the somewhat limited length of five-year index LEAPS. Any subsequent proposal to list index LEAPS with expirations beyond five years could alter the nature of the product and would raise new regulatory concerns, including, among other things, the appropriate margin treatment, disclosure, and trading rules for the product.

[12] See CBOE Rule 24.9(b)(1).

[13] See CBOE Rule 8.7(a).

[14] 15 U.S.C. 78s(b)(2) (1988).

[15] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] See letter from David Rusoff, Foley & Lardner, to Jennifer Choi, SEC, dated February 27, 1995. The original filing incorrectly referenced Rule 3 of Article IV of the Exchange Rules as the rule to be

The proposed rule change, including Amendment No. 1 thereto, was published for comment in Securities Exchange Act Release No. 35449 (Mar. 7, 1995), 60 FR 13492 (Mar. 13, 1995). No comments were received on the proposal.

At present, Rule 3 of Article XII provides the Committee on Floor Procedure with the authority to summarily fine members and exclude them from the Exchange premises under certain circumstances. The Rule provides that the Committee on Floor Procedure or an appropriately designated subcommittee has the authority to summarily fine and exclude from the Exchange a member whose conduct is deemed to be improper and to recommend investigations pursuant to Rule 1 of Article XII[4] regarding any conduct on the floor of the Exchange. Specifically, any member of the Floor Committee or a member of its appropriately designated subcommittee may summarily fine any member for conduct classified as Class B[5] in an amount not to exceed $100. For conduct classified as Class A offenses,[6] any member of the Floor Committee or a member of its appropriately designated subcommittee with the concurrence of two other floor officials (floor governors if immediately available) may summarily fine a member in an amount not to exceed $2,500 and summarily exclude a member from the Exchange for no longer than the remainder of the trading day.

For either class of offenses, a member, who has been adversely affected by any action taken under Rule 3, except for a summary exclusion,[7] by any person or body, other than the full Floor Procedure Committee, may appeal to the full Floor Procedure Committee within five days of receiving notice of the action by making a written request. Upon appeal, the full Floor Procedure Committee may increase or decrease the amount of a summary fine or the length of an exclusion from the Exchange. The Floor Procedure Committee, however, may not fine a member in an amount in excess of $2,500 or exclude a member from the Exchange in excess of five full business days. The decision of the Floor Procedure Committee is deemed final with respect to any action involving no more than a $100 fine.

By written request, a member may appeal a determination of the full Floor Procedure Committee involving more than a $100 fine to the Executive Committee. The Executive Committee will review the report of the action as certified by the Secretary unless it decides to open the record for additional evidence. Upon review, the Executive Committee may increase or decrease the amount of a summary fine or the length of an exclusion. The Executive Committee, however, may not fine a member in an amount in excess of $2,500 or exclude a member from the Exchange in excess of five full business days.

The Exchange proposes to amend Rule 3 and interpretation .02 thereunder to extend the application of the rule to persons associated with a member.[8] Therefore, under the proposed rule change, the Committee on Floor Procedure would exercise the same authority over members and persons associated with a member.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[9] The Commission believes the proposal is consistent with the Section 6(b)(6) requirements that the rules of an exchange provide for the appropriate discipline of its members and persons associated with its members for violation of the Act, the rules promulgated thereunder, or the rules of the exchange because the rule change provides that members and persons associated with a member may be summarily fined or excluded from the Exchange premises for conduct that the Exchange deems improper. Moreover, the Commission believes the proposal is consistent with the Section 6(b)(1) requirements that an exchange have the capacity to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules promulgated thereunder, and the rules of the exchange because under the proposed rule change, the Exchange's Committee on Floor Procedure would have the authority to enforce compliance by members and persons associated with a member, with the rules that it deems important in the fair administration of the Exchange.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–CHX–95–05) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9980 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

amended. Amendment No. 1 altered the proposed rule change to reference Rule 3 of Article XII as the correct rule to be amended.

[4] Under Rule 1 of Article XII, any default, misconduct or other offense alleged to have been committed by a member, member organization or any other person or organization subject to the Exchange's jurisdiction that comes to the attention of the president shall be investigated by the staff and a written report of such investigation shall be made to the president. In addition, if the president decides from such a report that such member, member organization, or other person or organization has committed a default or other offense in violation of the Constitution or Rules of the Exchange, the president shall direct the staff to prefer written charges against the accused, a copy of which will be served upon the accused.

[5] Class B violations involve minor offenses such as dress code and smoking violations. See .01 of the Interpretations and Policies to Rule 3 of Article XII.

[6] Class A represents more serious violations than Class B and includes such conduct as fighting, threatening speech, and other conduct that is detrimental to the interest or welfare of the Exchange. See .01 of the Interpretations and Policies to Rule 3 of Article XII.

[7] A member summarily excluded has the right to petition for reinstatement after a sufficient ''cooling-off'' period has elapsed. See .02 of the Interpretations and Policies to Rule 3 of Article XII.

[8] The Exchange does not specifically define the term ''associated person'' in its Rules. For purposes of Rule 3, Article XII, the Exchange refers to an associated person as defined in Section 3(a)(21) of the Securities Exchange Act of 1934. Telephone conversation with David Rusoff, Foley & Lardner, and Jennifer Choi, Attorney, SEC, dated February 27, 1995. Section 3(a)(21) defines an ''associated person of a member'' as any ''partner, officer, director, or branch manager of such member (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such member, or any employee of such member.''

[9] 15 U.S.C. 78f(b) (1988 & Supp. v 1993).

[10] 15 U.S.C. 78s(b)(2) (1988).

[11] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–35615; International Series Release No. 802 File No. SR–Phlx–95–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Response Period for Customized Foreign Currency Options

April 17, 1995.

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 February 21, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Exchange Rule 1069(b) in order to

simplify customized foreign currency option (''Customized FCO'') trading by conforming the procedure for obtaining quotes and executing trades with existing rules for regular Exchange-traded FCOs. Additionally, the Exchange proposes to adopt Floor Procedure Advice F–20 (Quoting and Trading Customized Foreign Currency Options) which will parallel the provisions of Exchange Rule 1069(b). The text of the proposed rule change is available at the Office of the Secretary, the Phlx, 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 Phlx 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 Phlx 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

On November 1, 1994, the Commission approved the Exchange's proposal to trade customized foreign currency options.[1] The Phlx proposes to amend Exchange Rule 1069(b) in order to eliminate the response period and the special parity rules for assigned Registered Options Traders (''ROTs'') that apply during that response period. Presently, when a participant requests a quote for a Customized FCO (''RFQ''), if any participant requests a response time, the preset amount of time applicable to that type of Customized FCO is invoked and the assigned ROTs are given the ability to match any responsive quote that improves their previously voiced responsive quote. The response period was initially set by the Exchange's FCO Committee at two minutes for simple strike options, five minutes for simple spreads, inverses, and cross-rates, and eight minutes for options strategies involving more than three legs.[2] Once the response period has been invoked, a trade may only occur prior to the end of the response period if at least two assigned ROTs respond to the RFQ. The Exchange has found that in almost every instance, participants have requested a response period, however, responsive quotes generally are not received until after the end of the response period.[3]

The Exchange represents that the intent of the response period was to give all participants and customers an equal amount of time to calculate a price in response to a RFQ because Customized FCOs are not continuously quoted FCOs for which participants have readily available trade sheets. Presently, when a RFQ is disseminated, a ROT who intends to respond may have to leave the crowd that he is in, go over to the Customized FCO post to listen to the RFQ, formulate a responsive quote, and then voice the responsive quote in the trading crowd.

The response period and attendant parity rules were intended, according to the Exchange, to assure that the floor traders who are crucial to providing liquidity to the market place were not placed at a competitive disadvantage to the off-floor traders due to their lack of prepared trading sheets. The Exchange has not been able to determine whether this concern is valid or not by reviewing the present level of activity in Customized FCOs. The Exchange has determined, however, that it is important at this time to promote more activity in Customized FCOs and, therefore, it is proposing to eliminate the response period. The Exchange represents that, pursuant to the proposed rule change, Customized FCOs will trade similar to regular Exchange-traded FCOs such that trades will be executable as soon as any responsive quote is made. Moreover, existing parity and priority principles in Exchange Rule 1014(h) will apply to trades in Customized FCOs. As more experience is gained, the Exchange feels that it will be in a better position to review trading activity to ensure that no competitive disparity is actually occurring.

The Phlx also proposes to adopt a new Floor Procedure Advice applicable to the FCO floor. Proposed Advice F–20 (Quoting and Trading Customized Foreign Currency Options), generally follows the text of Rule 1069(b). The Exchange represents that the purpose of Advice F–20 is to codify the trading procedure for Customized FCOs in the Floor Procedure Advice Handbook for ease of reference.

The Exchange believes that the foregoing rule change proposal is consistent with Section 6 of the Act, in general, and with Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest by simplifying the trading process for Customized FCOs.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Phlx 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

[1] See Securities Exchange Act Release No. 34925 (November 1, 1994), 59 FR 55720 (November 8, 1994).

[2] The FCO Committee shortened the response period to one minute for all types of RFQs for Customized FCOs on January 16, 1995, effective at the opening on January 17, 1995.

[3] Telephone conversation between Michele Weisbaum, Associate General Counsel, Phlx, and Brad Ritter, Senior Counsel, Office of Market Supervision, Division of Market Regulation, Commission, on February 22, 1995.

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–95–05 and should be submitted by May 15, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9977 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35616; File No. SR–Phlx–95–11]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Listing of Long-Term Index Options Series (''LEAPS'') With a Duration of up to Sixty Months Until Expiration

April 17, 1995.

On February 8, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to permit the listing of long-term index options series (''LEAPS'') with a duration of up to sixty months (five years) until expiration. Notice of the proposal appeared in the **Federal Register** on February 22, 1995.[3] No comment letters were received on the proposed rule change. The Exchange filed Amendment No. 1 to the proposal on February 23, 1995.[4] This order approves the Phlx proposal, as amended.

The purpose of the proposed rule change is to permit the Exchange to list index LEAPS with a duration of up to sixty months (five years).[5] Presently, the Exchange has authority pursuant to Phlx Rule 1101A(b)(iii) to list index LEAPS that expire from twelve to thirty-six months from the time they are listed. The Exchange represents that there has been increasing member firm and customer interest in longer term instruments. The Exchange, therefore, is proposing to amend Exchange Rule 1101A to permit the listing of index options with up to sixty months until expiration. In addition, the Exchange proposes to amend Rule 1101A(b)(iii) to allow for up to ten expiration months for index LEAPS, as opposed to the six months currently allowed.[6] The proposal does not change any other rule regarding the listing and trading of index LEAPS.[7]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[8] Specifically, the Commission believes the proposal is designed to provide investors with additional means of hedging equity portfolios from long-term market risk with an exchange-traded security (*i.e.*, a standardized option), thereby facilitating transactions in options and contributing to the protection of investors and the maintenance of fair and orderly markets.[9]

Currently, institutional customers use index options to hedge the risks associated with holding diversified equity portfolios. The Commission continues to believe, as originally stated in its approval of the listing of index LEAPS by the Exchange, that allowing investors to lock in their hedges with longer-term index LEAPS will permit institutions to protect better their portfolios from adverse market moves.[10] Further, the Commission believes that index LEAPS with up to five years until expiration will allow this protection at a known and limited cost.[11] Moreover, the proposal will provide institutions with an additional securities product with which to hedge their portfolios as an alternative to hedging with futures positions or off-exchange customized index options.[12] Accordingly, the Commission believes that the proposed rule change will better serve the long-term hedging needs of institutional investors.[13]

Finally, although as with index LEAPS presently trading on the Exchange, specific strike price interval, bid/ask differential, and price continuity rules will not apply until the proposed longer-term index LEAPS have less than 12 months until expiration,[14] the Commission notes that Phlx's general rule obligating market makers to maintain fair and orderly markets will continue to apply to the proposed longer-term index LEAPS.[15] The Commission believes that the requirements of Phlx Rules 1014 and 1020 are broad enough, even in the absence of strike price interval, bid/ask differential, and continuity requirements, to provide the Exchange with the authority to make a finding of inadequate market maker performance should market makers enter into transactions or make bids or offers (or fail to do so) in the proposed longer-term index LEAPS that are inconsistent with the maintenance of a fair and orderly market.

The Commission finds good cause for approving Amendment No. 1 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Specifically, Amendment No. 1 provides that the Exchange may list up to ten additional expiration months when listing the proposed longer-term index LEAPS. The Commission believes this is consistent with the original approval of index LEAPS which allowed for up to six additional expiration months for LEAPS expiring 36 months from the date of

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[4] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] See Securities Exchange Act Release No. 35376 (February 14, 1995), 60 FR 9880.

[4] In Amendment No. 1, the Phlx proposed to: (1) Amend Rule 1101A to specify that ten additional expiration months may be added for the proposed longer-term index LEAPS, as opposed to the six additional months currently allowed for LEAPS; and (2) provide that the proposal will apply to all indexes, both broad-based and narrow-based, previously approved for the trading of standardized index options on the Exchange. See Letter from Edith Hallahan, Special Counsel, Phlx, to Michael Walinskas, Branch Chief, Office of Market Supervision, Division of Market Regulation, Commission, dated February 23, 1995.

[5] The proposal would permit five-year LEAPS on both broad-based and narrow-based indexes on which LEAPS have been approved for trading on the CBOE. *Id.*

[6] *Id.*

[7] See Phlx Rule 1101A(b)(iii) and Securities Exchange Act Release No. 28910 (February 22, 1991), 56 FR 9032 (March 4, 1991) (''Exchange Act Release No. 28910'').

[8] 15 U.S.C. 78f(b)(5) (1988 & Supp. V 1993).

[9] The Commission also finds that extending the maximum term for Index LEAPS from three to five years does not alter the Commission's designation of index LEAPS as standardized options pursuant to Rule 9b–1(a)(4) of the Act.

[10] See Exchange Act Release No. 28910, *supra* note 7.

[11] *Id.*

[12] *Id.*

[13] The Commission's findings are predicated on the somewhat limited length of five-year index LEAPS. Any subsequent proposal to list index LEAPS with expirations beyond five years could alter the nature of the product and would raise new regulatory concerns, including, among other things, the appropriate margin treatment, disclosure, and trading rules for the product.

[14] See Exchange Act Release No. 28910, *supra* note 7.

[15] See Phlx Rules 1014, 1020, and 1000A(a).

listing [16] and, therefore, does not raise any new regulatory issues.

Moreover, Amendment No. 1 provides that the Exchange may list longer-term LEAPS on all indexes currently approved for the trading of standardized options, regardless of whether the index was previously approved for the trading of LEAPS. For those indexes approved for trading LEAPS, the Commission believes that Amendment No. 1 clarifies the application of the proposal and minimizes the potential for investor confusion. With regard to those indexes not previously approved for trading LEAPS, the Commission believes that allowing index LEAPS on these indexes, including the proposed longer-term LEAPS, does not raise any new regulatory issues. Specifically, each of these indexes has previously been approved by the Commission for the listing of standardized index options, and LEAPS on these indexes will be subject to the limitations discussed above.

Accordingly, the Commission believes it is consistent with Section 6(b)(5) of the Act to approve Amendment No. 1 to the Phlx's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1. 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. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to the File No. SR–Phlx–95–11 and should be submitted by May 15, 1995.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (File No. SR–Phlx–95–11) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9979 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[16] See Exchange Act Release No. 28910, *supra* note 7.

[17] 15 U.S.C. 78s(b)(2) (1988).

[18] 17 CFR 200.30–3(a)(12) (1994).

[Rel. No. IC–21013; 811–4403]

Smith Barney California Municipal Money Market Fund; Notice of Application

April 17, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Smith Barney California Municipal Money Market Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 22, 1995 and amended on April 5, 1995.

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 May 15, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons 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, 388 Greenwich Street, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On September 4, 1985, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on November 20, 1985, and the initial public offering commenced shortly thereafter.

2. On April 27, 1994 and May 25, 1994, applicant's board of trustees approved an agreement and plan of reorganization (the ''Plan'') between applicant and Smith Barney Muni Funds—California Money Market Portfolio (the ''Acquiring Fund'')—a registered open-end management investment company. In addition, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On August 2, 1994, applicant mailed proxy materials to its shareholders. On November 11, 1994, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on November 18, 1994, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund and the assumption by the Acquiring Fund of certain liabilities of applicant. Immediately thereafter, applicant liquidated and distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On November 18, 1994, applicant had 831,064,778 shares outstanding, having an aggregate net asset value of $830,713,099 and a per share net asset value of $1.00.[2]

5. Expenses incurred in connection with the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled $91,857. One half of the expenses were borne by the Fund's sponsor, Smith Barney Inc., and

[1] Section 17(a) of the Act generally prohibits sales or purchases of securities between registered investment companies and any affiliated person of that company. Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers. Applicant and the Acquiring Fund were ''affiliated persons'' as defined in the Act solely by reason of having a common investment adviser.

[2] Dividing the number of outstanding shares by the total net assets does not yield a precise figure of $1.00 per share. This results from both the effect on the total net assets of realized gains and losses resulting from the sale of portfolio securities prior to their stated maturity and the effect of penny rounding.

the remainder were divided between applicant and the Acquiring Fund based on relative net assets.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant intends to file the appropriate notice of termination with Massachusetts authorities.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9983 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21012; 811–4402]

Smith Barney New York Municipal Money Market Fund; Notice of Application

April 17, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Smith Barney New York Municipal Money Market Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 22, 1995 and amended on April 5, 1995.

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 May 15, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons 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, 388 Greenwich Street, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a business trust under the laws of Massachusetts. On September 4, 1985, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on November 20, 1985, and the initial public offering commenced shortly thereafter.

2. On April 27, 1994 and May 25, 1994, applicant's board of trustees approved an agreement and plan of reorganization (the ''Plan'') between applicant and Smith Barney Muni Funds—New York Money Market Portfolio (the ''Acquiring Fund'')—a registered open-end management investment company. In addition, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On August 2, 1994, applicant mailed proxy materials to its shareholders. On November 11, 1994, applicant's shareholders approved the reorganization.

4. Pursuant to the Plan, on November 18, 1994, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund and the assumption by the Acquiring Fund of certain liabilities of applicant. Immediately thereafter, applicant liquidated and distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On November 18, 1994, applicant had 605,581,399 shares outstanding, having an aggregate net asset value of $605,235,435 and a per share net asset value of $1.00.[2]

5. Expenses incurred in connection with the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled $92,383. One half of the expenses were borne by the Fund's sponsor, Smith Barney Inc., and the remainder were divided between applicant and the Acquiring Fund based on relative net assets.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant intends to file the appropriate notice of termination with Massachusetts authorities.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9984 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No IC–21018; 811–3019]

Smith Barney Government and Agencies Fund Inc.; Application

April 18, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Smith Barney Government and Agencies Fund Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 22, 1995 and amended on April 5, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a

[1] Section 17(a) of the Act generally prohibits sales or purchases of securities between registered investment companies and any affiliated person of that company. Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers. Applicant and the Acquiring Fund were ''affiliated persons'' as defined in the Act solely by reason of having a common investment adviser.

[2] Dividing the number of outstanding shares by the total net assets does not yield a precise figure of $1.00 per share. This results from both the effect on the total net assets of realized gains and losses resulting from the sale of portfolio securities prior to their stated maturity and the effect of penny rounding.

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 May 15, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 388 Greenwich Street, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a corporation under the laws of Maryland. On March 24, 1980, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on March 31, 1980, and the initial public offering commenced shortly thereafter.

2. On April 27, 1994 and May 25, 1994, applicant's board of trustees approved an agreement and plan of reorganization (the ''Plan'') between applicant and Smith Barney Money Funds, Inc.—Government Portfolio (the ''Acquiring Fund'')—a registered open-end management investment company. In addition, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On July 27, 1994, applicant mailed proxy materials to its shareholders. On November 11, 1994, applicant's shareholders approved the reorganization at a special meeting of shareholders.

4. Pursuant to the Plan, on November 18, 1994, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund and the assumption by the Acquiring Fund of certain liabilities of applicant. Immediately thereafter, applicant liquidated and distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On November 18, 1994, applicant had 3,137,812,379 shares outstanding, having an aggregate net asset value of $3,137,185,387 and a per share net asset value of $1.00.[2]

5. Expenses incurred in connection with the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled $472,492. One half of the expenses were borne by the Fund's sponsor, Smith Barney Inc., and the remainder were divided between applicant and the Acquiring Fund based on relative net assets.

6. There are no security holders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant intents to file the appropriate notice of termination with Maryland authorities.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10046 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Section 17(a) of the Act generally prohibits sales or purchases of securities between registered investment companies and any affiliated person of that company. Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers. Applicant and the Acquiring Fund were ''affiliated persons'' as defined in the Act solely by reason of having a common investment adviser.

[2] Dividing the number of outstanding shares by the total net assets does not yield a precise figure of $1.00 per share. This results from both the effect on the total net assets of realized gains and losses resulting from the sale of portfolio securities prior to their stated maturity and the effect of penny rounding.

[Rel. No. IC–21017; 811–2914]

Smith Barney Daily Dividend Fund Inc.; Application

April 18, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Smith Barney Daily Dividend Fund Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 22, 1995 and amended on April 5, 1995.

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 May 15, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 388 Greenwich Street, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a corporation under the laws of Maryland. On March 20, 1979, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on June 21, 1979, and the initial public offering commenced shortly thereafter.

2. On April 27, 1994 and May 25, 1994, applicant's board of trustees approved an agreement and plan of reorganization (the ''Plan'') between applicant and Smith Barney Money Funds, Inc.—Cash Portfolio (the ''Acquiring Fund'')—a registered open-

end management investment company. In addition, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On July 27, 1994, applicant mailed proxy materials to its shareholders. On November 11, 1994, applicant's shareholders approved the reorganization at a special meeting of shareholders.

4. Pursuant to the Plan, on November 18, 1994, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund and the assumption by the Acquiring Fund of certain liabilities of applicant. Immediately thereafter, applicant liquidated and distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On November 18, 1994, applicant had 14,865,420,439 shares outstanding, having an aggregate net asset value of $14,862,405,321 and a per share net asset value of $1.00.[2]

5. Expenses incurred in connection with the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled $3,351,547. One half of the expenses were borne by the Fund's sponsor, Smith Barney Inc., and the remainder were divided between applicant and the Acquiring Fund based on relative net assets.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administration proceeding.

7. Applicant intends to file the appropriate notice of termination with Maryland authorities.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

[1] Section 17(a) of the Act generally prohibits sales or purchases of securities between registered investment companies and any affiliated person of that company. Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers. Applicant and the Acquiring Fund were ''affiliated persons'' as defined in the Act solely by reason of having a common investment adviser.

[2] Dividing the number of outstanding shares by the total net assets does not yield a precise figure of $1.00 per share. This results from both the effect on the total net assets of realized gains and losses resulting from the sale of portfolio securities prior to their stated maturity and the effect of penny rounding.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10047 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–2105; 811–7133]

SSL 1993–1 Trust; Notice of Application

April 17, 1955.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: SSL 1993–1 Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applcant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on April 7, 1995.

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 May 15, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, 200 Park Avenue, New York, New York 10166.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, non-diversified management investment company that was organized as a business trust under the laws of Massachusetts. Applicant originally registered under the Act and filed a registration statement under the Securities Act of 1933 on December 23, 1993. Applicant's registration statement under the Securities Act of 1933 was declared effective on April 13, 1994. Applicant has not commenced a public offering of its shares.

2. Applicant has not sold any securities of which it is the issuer other than the shares sold to its sponsor, Major Trading Corporation, to meet the net worth requirements of section 14(a) of the Act. On December 7, 1994, applicant's board of trustees determined that is was advisable and in the best interests of applicant that applicant terminate its existence as a Massachusetts business trust and liquidate its assets and that the proceeds be returned to applicant's sponsor.

3. There are no security holders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

4. Applicant is not now engaged, nor does it proposes to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9985 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21014; 812–9478]

Van Kampen American Capital Distributors Inc., et al.; Notice of Application

April 17, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Van Kampen American Capital Distributors Inc. (the ''Sponsor''); Insured Municipals Income Trust, California Insured Municipals Income Trust, New York Insured Municipals Income Trust, Pennsylvania Insured Municipals Income Trust, Insured Municipals Income Trust, Insured Multi-Series, Insured Tax Free Bond Trust, Investors' Quality Tax-Exempt Trust, Insured Municipals Income Trust and Investors' Quality Tax

Exempt Trust, Multi-Series Investors' Governmental Securities—Income Trust, Van Kampen American Capital Insured Income Trust, Van Kampen Merritt Utility Income Trust, Van Kampen Merritt Emerging Markets Income Trust, Van Kampen Merritt Equity Opportunity Trust, California Investors' Quality Tax-Exempt Trust, and Pennsylvania Investors' Quality Tax-Exempt Trust (each an ''Existing Trust''); and any other future unit investment trust sponsored by the Sponsor (collectively, with the Existing Trusts, the ''Trusts'').

RELEVANT ACT SECTIONS: Order requested pursuant to section 6(c) for exemptions from sections 2(a)(32), 2(a)(35), 22(d), and 26(a)(2) of the Act, and rule 22c–1 thereunder, and pursuant to section 11(a) to amend a prior order (the ''Prior Order'') granting relief from section 11(c).[1]

SUMMARY OF APPLICATION: Applicants seek to impose sales charges on a deferred basis and waive the deferred sales charge in certain cases, exchange Trust units having deferred sales charges, and exchange units of a terminating series of a Trust for units of the next available series of that Trust.

FILING DATES: The application was filed on February 7, 1995, and amended on March 31, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 15, 1995, and should 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 who wish to be notified of the date of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street N.W., Washington, D.C. 20549. Applicants, c/o Mark J. Kneedy, Esq., Chapman and Cutler, 111 West Monroe Street, Chicago, Illinois 60603–4080.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 942–0581, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the Trusts is or will be a unit investment trust sponsored by the Sponsor and is or will be registered under the Act. The Trusts are made up of one or more separate series (''Series''). Each Series is created by a trust indenture among the Sponsor, a banking institution or trust company as trustee, and an evaluator. The Sponsor acquires a portfolio of securities and deposits them with the trustee of the Series in exchange for certificates representing fractional undivided interests (''Units'') in the deposited portfolio. The Units will be registered under the Securities Act of 1933 and offered to the public through the Sponsor, underwriters, and dealers at a price based upon the aggregate offering side evaluation of the underlying securities plus an up-front sales charge. The maximum sales charge currently ranges from 5.5% to 1.9% of the public offering price, and is subject to reduction as permitted by rule 22d–1. In addition, although not legally obligated to do so, the Sponsor maintains a secondary market for Units of outstanding Series and continually offers to purchase such Units. The sales charge imposed for sales in the secondary market typically is 1% higher than it is during the initial offering period, and decreases over time.

2. Applicants seek an order under section 6(c) exempting the Trusts from sections 2(a)(32), 2(a)(35), 22(d), and 26(a)(2), and rule 22c–1, to let the Trusts impose sales charges on Units on a deferred basis and waive the deferred sales charge in certain cases. Under applicants' proposal, the Sponsor will determine the amount of sales charge per Unit at the time portfolio securities are deposited in a Series. The Sponsor also may defer collection of all or part of this sales charge over a period following the purchase of Units. In no event, however, will the Sponsor add to the deferred amount initially determined any additional amount for interest or any similar or related charge to reflect or adjust for such deferral.

3. Deferred sales charges, if any, generally will be paid in regular installments over a period of time. To the extent a particular Series provides distribution income, the trustee of the Series will withdraw the appropriate amount of the deferred sales charge from such distribution income. If the distribution income is insufficient to pay the deferred sales charge, the trustee may sell portfolio securities in an amount necessary to provide the requisite payments.

4. Although the Sponsor does not presently intend to do so, a sales charge may be deducted from the proceeds of any redemption of Units or of any sale of Units to the Sponsor. For purposes of calculating the amount of the deferred sales charge due upon redemption or sale of Units, it will be assumed that Units on which no sales charge is due are liquidated first. Any Units disposed of over such amounts will be redeemed in the order of their purchase, so that Units held for the longest time are redeemed first. If any deferred sales charge is collected upon sale or redemption of Units, the Sponsor may, and intends to, waive payment of the balance of the deferred sales charge on such redemptions or sales in certain cases. Any such waiver will be disclosed in the prospectus and will satisfy the other conditions of rule 22d–1.

5. The Sponsor believes that the operation and implementation of the deferred sales charge program will be disclosed adequately to potential investors and unitholders. The prospectus for each Trust will describe the operation of the deferred sales charge, including the amount of and date of each installment payment. The prospectus also will describe the trustee's ability to sell portfolio securities if the income generated by a Series' portfolio is insufficient to pay an installment. The securities confirmation statement sent to each purchaser will state the amount of any initial sales charge, and the amount of the deferred sales charge to be deducted in regular installments. The annual report of each Series will state the amount of annual installment payments deducted during the previous fiscal year on both a Series and per Unit basis.

6. Applicants seek an order under section 11(a) to approve certain exchange transactions subject to section 11(c). The Prior Order permits applicants covered thereunder to allow unitholders to exchange Units of one Series for Units of another Series generally subject to a flat fee of $25 per Unit. The requested order would amend the Prior Order to create an expanded exchange option that would apply to all exchanges of Units sold with a sales charge imposed either at the time of purchase or on a deferred basis, and to include all Series. The sales charge imposed on the exchange of Units is

[1] Investment Company Act Release Nos. 11514 (Dec. 24, 1980) (notice) and 11589 (Jan. 28, 1981) (order).

calculated as the greater of (a) $25 per Unit, or (b) if Units of any Series are exchanged within five months of their acquisition for Units of a Series with a higher sales charge, or if Units subject to a deferred sales charge are exchanged for Units sold with an initial sales charge, an amount that, together with the sales charge already paid on the Units being exchanged, equals the normal sales charge on the acquired Units.

7. If Units subject to a deferred sales charge are exchanged for Units of a Series not having such a charge, the deferred sales charge will be collected at the time of the exchange. If Units subject to a deferred sales charge are exchanged for Units without such a charge, installment payments will continue to be deducted from the distributions on the acquired Units until the original balance of the sales charge owed on the initial investment has been collected. In either case, the additional sales charge will be imposed at the time of the exchange.

Applicants' Legal Analysis

1. Under section 6(c), the SEC may exempt any person or transaction from any provision of the Act or any rule thereunder to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Section 2(a)(32) defines a ''redeemable security'' as a security that, upon its presentation to the issuer, entitles the holder to receive approximately his or her proportionate share of the issuer's current net assets, or the cash equivalent of those assets. Because the imposition of deferred sales charge may cause a redeeming unitholder to receive an amount less than the net asset value of the redeemed Units, applicants seek an exemption from section 2(a)(32) so that Units subject to a deferred sales charge are considered redeemable securities for purposes of the Act.[2]

3. Section 2(a)(35) defines the term ''sales load'' to be the difference between the sales price and the proceeds to the issuer, less any expenses not properly chargeable to sales or promotional expenses. Because a deferred sales charge is not charged at the time of purchase, an exemption from section 2(a)(35) is necessary.

4. Rule 22c–1 requires that the price of a redeemable security issued by an investment company for purposes of sale, redemption, and repurchase be based on the investment company's current net asset value. Because the imposition of a deferred sales charge may cause a redeeming unitholder to receive an amount less than the net asset value of the redeemed Units, applicants seek an exemption from this rule.

5. Section 22(d) requires an investment company and its principal underwriter and dealer to sell securities only at a current public offering price described in the investment company's prospectus. Because sales charges traditionally have been a component of the public offering price, section 22(d) historically required that all investors be charged the same load. Rule 22d–1 was adopted to permit the sale of redeemable securities ''at prices that reflect scheduled variations in, or elimination of, the sales load.'' Because rule 22d–1 does not extend to scheduled variations in deferred sales charges, applicants seek relief from section 22(d) to let them waive or reduce their deferred sales charge in certain instances.

6. Section 26(a)(2) in relevant part prohibits a trustee or custodian of a unit investment trust from collecting from the trust as an expense any payment to a depositor or principal underwriter thereof. Because of this prohibition, applicants need an exemption to let the trustee collect the deferred sales charge installments from distribution deductions or Trust assets.

7. Applicants believe that implementation of the deferred sales charge program in the manner described above would be fair and equitable and consistent with all provisions of the Act. Thus, granting the requested order would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

8. Section 11(c) prohibits any offers of exchange of the securities of a registered unit investment trust for the securities of any other investment company, unless the terms of the offer have been approved by the SEC. Applicants assert that the reduced sales charge imposed at the time of exchange is a reasonable and justifiable expense to be allocated for the professional assistance and operational expenses incurred in connection with the exchange.

Applicants' Conditions

Applicants agree that any relief granted will be subject to the following conditions:

1. Whenever the exchange option is to be terminated or its terms are to be amended materially, any holder of a security subject to that privilege will be given prominent notice of the impending termination or amendment at least 60 days prior to the date of termination or the effective date of the amendment, provided: (a) No such notice need be given if the only material effect of an amendment is to reduce or eliminate the sales charge payable at the time of an exchange, to add one or more new Series eligible for the exchange option, or to delete a Series that has terminated; and (b) no notice need be given if, under extraordinary circumstances, either (i) there is a suspension of the redemption of units of the Trust under section 22(e) and the rules and regulations promulgated thereunder, or (ii) a Trust temporarily delays or ceases the sale of its Units because it is unable to invest amounts effectively in accordance with applicable investment objectives, policies, and restrictions.

2. An investor who purchases Units under the exchange option will pay a lower aggregate sales charge than that that would be paid for the Units by a new investor.

3. The prospectus of each Trust offering exchanges and any sales literature or advertising that mentions the existence of the exchange option will disclose that the exchange option is subject to modification, termination, or suspension, without notice except in certain limited cases.

4. Each Series offering Units subject to a deferred sales charge will include in its prospectus the table required by item 2 of Form N–1A (modified as appropriate to reflect the differences between unit investment trusts and open-end management investment companies) and a schedule setting forth the number and date of each installment payment.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9982 Filed 4–21–95; 8:45 am]

BILLING CODE 8010–01–M

[2] Without an exemption, a Trust selling Units subject to a deferred sales charge could not meet the definition of a unit investment trust under section 4(2) of the Act. Section 4(2) defines a unit investment trust as an investment company that issues only ''redeemable securities.''

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

DATES: April 14, 1995.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Edward Clarke, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, DC 20503. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB official of your intent immediately.

FOR FURTHER INFORMATION CONTACT: Copies of the DOT information collection requests submitted to OMB may be obtained from Susan Pickrel or Annette Wilson, IRM Strategies Division, M–32, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4735.

SUPPLEMENTARY INFORMATION: Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Items Submitted to OMB for Review

The following information collection requests were submitted to OMB on April 14, 1995:

DOT No: 4048.
OMB No: 2125–0030.
Administration: Federal Highway Administration.
Title: Outdoor Advertising and Junkyard Report.
Need for Information: Title 23 USC 131 and 136 prescribe the requirements for controlling the erection and maintenance of outdoor advertising signs, displays, and devices and the maintenance of junkyards in areas adjacent to the Interstate System and the primary system.
Proposed Use of Information: The information will be used to administer and monitor the control of outdoor advertising and junkyards as implemented by State highway agencies.
Frequency: Annually.
Burden Estimate: 6,526 hours.
Respondents: State highway agencies.
Form(s): FHWA 1424.
Average Burden Hours Per Response: 30 minutes reporting.

DOT No: 4049.
OMB No: 2138–0041.
Administration: Research and Special Programs Administration.
Title: Airline Service Quality Reporting.
Need for Information: Title 14 CFR Part 234 prescribes the requirements for airline service quality performance reports.
Proposed Use of Information: The information will be used to produce reports for the travelling public. DOT issues a monthly report providing consumers with the on-time flight performance and the rate of mishandled baggage reports for the reporting air carriers. The FAA will use the data base for air traffic control modeling.
Frequency: Monthly.
Burden Estimate: 1,440 hours.
Respondents: Large schedule passenger air carriers.
Form(s): None.
Average Burden Hours Per Response: 12 hours reporting.

DOT No: 4050.
OMB No: 2115–New.
Administration: U.S. Coast Guard.
Title: Boating Statistics Questionnaire.
Need for Information: Under the mandate of the National Performance Review and Executive Order 12802, Coast Guard is conducting this survey to determine its customer information needs and to measure the customer's satisfaction with the annual published report on recreational boating accidents.
Proposed Use of Information: The data collected from this survey will be used to improve the quality and customer satisfaction with information contained in this report.
Frequency: Annually.
Burden Estimate: 320 hours.
Respondents: Recreational boaters.
Form(s): CG–5599.
Average Burden Hours Per Response: 15 minutes reporting.

DOT No: 4051.
OMB No: 2115–0141.
Administration: U.S. Coast Guard.
Title: Reporting and Recordkeeping Requirements for Firefighting and Lifesaving Equipment, Marine Sanitation Devices, and Structural Fire Protection Material.
Need for Information: Title 46 CFR Ch. I, Parts 159–164 and 33 CFR Ch. I prescribe the technical standards for Coast Guard approval on specific types of lifesaving and safety equipment before this equipment can be installed on vessels. Manufacturers of such equipment are required to submit drawings, specifications, and laboratory test reports.
Proposed Use of Information: Technical data submitted to the Coast Guard by manufacturers of lifesaving and safety equipment will be reviewed to determine that equipment is in compliance with applicable regulations. The information submitted by laboratories will be used to determine technical qualifications and independence.
Frequency: On occasion, one time.
Burden Estimate: 7,140 hours.
Respondents: Manufacturers of safety equipment, testing laboratories.
Form(s): None.
Average Burden Hours Per Response: manufacturers: 2 hours reporting; 100 hours recordkeeping; laboratories: 4 hours reporting.

Issued in Washington, DC, on April 14, 1995.

Paula R. Ewen,
Manager, IRM Strategies Division.

[FR Doc. 95–10072 Filed 4–21–95; 8:45 am]
BILLING CODE 4910–62–P

Federal Aviation Administration

[AC No. 1–1]

Advisory Circular on Government-Owned Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Advisory Circular.

SUMMARY: Advisory Circular (AC) 1–1, Government Owned Aircraft provides guidance on whether particular government-owned aircraft operations are public aircraft operations or civil aircraft operations under the new statutory definition of ''public aircraft.'' This Advisory Circular contains the

FAA's interpretation of key terms in the new statutory definition. For operations that have lost public aircraft status under the new law, this Advisory Circular provides information on bringing those operations into compliance with FAA safety regulations for civil aircraft. It also provides information on applying for an exemption. This Advisory Circular provides acceptable, but not exclusive, means of complying with the law.

DATES: This Advisory Circular is effective on April 19, 1995.

FOR FURTHER INFORMATION CONTACT: David Catey, Air Carrier Branch (AFS–220), (202) 267–8094, 800 Independence Avenue SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: The guidance in this AC provides one method, but not the only method of complying with the new definition of public aircraft as defined in the Independent Safety Board Act Amendments of 1994, Pub. L. 103–411. This guidance material supplements the final rule titled Public Aircraft Definition and Exemption Authority. Because Pub. L. 103–411 becomes effective April 23, 1995, the AC is published in its entirety in order to allow expedient access to the document by the general public.

Issued in Washington, DC on April 19, 1995.

William J. White,

Acting Director, Flight Standards Service.

Advisory Circular

Subject: Government Aircraft Operations
Date: 4/19/95
Initiated by:
AC No: 00–1.1
Change:

1. *Purpose.* The purpose of this advisory circular (AC) is to provide guidance on whether particular government aircraft operations are public aircraft operations or civil aircraft operations under the new statutory definition of ''public aircraft.'' This AC contains the Federal Aviation Administration's (FAA) intended application of key terms in the new statutory definition. For operations that have lost public aircraft status under the new law, this AC provides information on bringing those operations into compliance with FAA safety regulations for civil aircraft. It also provides information on applying for an exemption. This AC provides acceptable, but not exclusive, means of complying with the law. Agencies which conduct public aircraft operations are encouraged to comply with the Federal Aviation Regulations (FAR), even when they are not required to do so. They and the flying public will benefit from their voluntary adherence to the enhanced safety standards set out in the regulations. The FAA will continue to provide assistance to public agencies which seek to voluntarily comply with the regulatory requirements.

2. *Reference.* 49 U.S.C. 40102(A)(37).

3. *Related Material.*

a. AC 00–2.8, Advisory Circular Checklist, lists documents that provide guidance on many of the processes required to be followed in the certification and operation of civil aircraft.

b. AC 00–44FF, Status of Federal Aviation Regulations, provides the current public status of the Federal Aviation Regulations (FAR), prices, and order forms,

c. AC 20–132, Public Aircraft, provides guidance that public aircraft status under the Federal Aviation Act does not permit operations outside the territorial limits of the United States without a valid airworthiness certificate.

d. AC 120–12A, Private Carriage Versus Common Carriage of Persons or Property, furnishes general guidelines for determining whether transportation operations by air constitute private or common carriage.

e. AC 120–49, Certification of Air Carriers, provides information and guidance on the certification process for air carriers under FAR Parts 121 and 135.

f. Guide to Federal Aviation Administration Publications provides guidance on identifying and obtaining FAA and other aviation-related publications issued by the Federal government.

Note: Copies of the above documents may be obtained from the Department of Transportation, M–45.3, General Services Section, Washington, DC 20590.

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Chapter 1. Determining Whether Operations are Public or Civil

1. Public Aircraft Definition

a. *Background.* In recent years, there has been an increasing interest in matters involving operations of public aircraft, which are generally exempt from compliance with the Federal Aviation Regulations.

(1) One area of interest is related to government agencies' receipt of reimbursement for their operation of government-owned aircraft. Prior to the enactment of the Public Law 103–411, the Independent Safety Board Act Amendments of 1994, ''public aircraft'' was defined to exclude ''any government-owned aircraft engaged in carrying persons or property for commercial purposes.'' (P.L. 100–223, 1987). The FAA's long-standing interpretation has been that, where there is a receipt of compensation, such an operation is ''for commercial purposes'' and that such an operation therefore is not a public aircraft operation. This interpretation has been applied to intergovernmental arrangements wherein one government agency receives compensation for providing aircraft services to another government agency. Such services may be provided for firefighting, search and rescue or other governmental functions. Many government operators objected to the FAA's interpretation, claiming that such an interpretation impeded their governmental missions. They urged that it was impractical or impossible to obtain the services commercially, and that it was too costly to conduct their operations under the Federal Aviation Regulations as civil aircraft.

(2) On October 9, 1994, Congress passed the Independent Safety Board Act Amendments, Pub. L. 103–411, which changed the definition of the term ''public

aircraft.'' The law was signed by President Clinton on October 25, 1994.

(3) On January 26, 1995, the proposed advisory circular on Government Aircraft Operations was published in the **Federal Register**. 60 FR 5237. The proposed advisory circular set forth the FAA's understanding of the terms set forth in the new statute and the agency's intended application of those terms. The proposed advisory circular requested comments from affected parties on the positions taken by the FAA.

(4) Between January 26 and the current date, the FAA received and considered numerous comments from federal, state, and local governmental organizations as well as from representatives of private aircraft operators. Additionally, the FAA received an opinion of the Office of Legal Counsel, United States Department of Justice. That opinion, dated March 31, 1995, addresses whether the transport of prisoners on government aircraft falls within the statutory definition of ''public aircraft.'' The opinion advised that the position taken by the FAA in the proposed advisory circular regarding the transport of prisoners was unnecessarily restrictive. It discusses generally the terms used in that section of the statute which relate to the transporting of passengers in government-owned aircraft and advises that those terms would more appropriately be given a slightly broader interpretation than that in the proposed advisory circular. The FAA has modified its position to accord with the legal direction received.

b. *Legislative History.* The general purpose of the new law, as reflected in the legislative history, is to extend FAA regulatory oversight to some government aircraft operations. In part, Congress determined that government-owned aircraft, which operate for commercial purposes or engage in transport of passengers, should be subject to the regulations applicable to civil aircraft. The new law (with certain exceptions) preserved as public aircraft operations, those relating to the performance of certain governmental functions and, further, allowed public agencies to receive reimbursement from other public agencies for some operations conducted in response to significant and imminent threats. The FAA was also authorized to grant exemptions for operations whose status had changed as a result of the new law.

c. *Statutory Text.* The new definition of public aircraft enacted by Congress is as follows:

''(1) an aircraft—

(i) used only for the United States Government; or

(ii) Owned and operated (except for commercial purposes) or exclusively leased for at least 90 continuous days by a government (except the United States Government), including a State, the District of Columbia, or a territory or possession of the United States, or political subdivision of that government; but

(2) Does not include a government-owned aircraft—

(i) Transporting property for commercial purposes; or

(ii) Transporting passengers other than—

(A) Transporting (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or

(B) Transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States.

(3) An aircraft described in the preceding sentence shall, notwithstanding any limitation relating to use of the aircraft for commercial purposes, be considered to be a public aircraft for the purposes of this part without regard to whether the aircraft is operated by a unit of government on behalf of another unit of government, pursuant to a cost reimbursement agreement between such units of government, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat.'' 49 U.S.C. 40102(a)(37).

d. *Operational Nature of Definition.* The status of an aircraft as ''public aircraft'' or ''civil aircraft'' depends on its use in government service and the type of operation that the aircraft is conducting at the time. Rather than speaking of particular aircraft as public aircraft or civil aircraft, it is more precise to speak of particular operations as public or civil in nature. *Example:* An aircraft owned by a state government is used in the morning for a search and rescue mission. During the search and rescue operation, the aircraft is a public aircraft. Later that same day, however, the aircraft is used to fly the governor of the state from one meeting to another. At that time, the aircraft loses its public aircraft status and must be operated as a civil aircraft.

e. *Effective Date.* The effective date of the new statute is April 23, 1995.

2. Meaning of Key Statutory Terms

The FAA interprets various words, phrases, and clauses in the statutory definition (in their order of appearance in the statute) as follows:

a. *''For Commercial Purposes.''* The FAA has consistently taken the position that this term means ''for compensation or hire''. The test historically applied to determine whether an operation is for ''compensation or hire'' is whether the operator receives direct or indirect payment for the operation. It is not necessary that a flight be conducted for profit to constitute an operation for ''compensation or hire,'' the term may be applicable even where there is no intent or ability to make a profit from the flight. Even where there is only cost-reimbursement from a unit of one government to a unit of another for the operation of an aircraft, such reimbursement constitutes ''compensation.'' Accordingly, operations conducted pursuant to cost-reimbursement arrangements between units of government are considered to be ''for commercial purposes.'' The new statute provides a limited exception allowing for public aircraft status where the unit of government on whose behalf the operation is conducted certifies that the operation was necessary to respond to a significant and imminent threat to life or property and that no service by a private operator was reasonably available to meet the threat. By providing this limited exception, Congress clearly recognized that operations conducted pursuant to cost-reimbursement agreements are to be considered ''for commercial purposes.'' Generally, a transfer of funds by one element of government to another element within that same government will not be treated as compensation. Operations conducted pursuant to those arrangements are not considered ''for commercial purposes'' where the reimbursement is essentially an accounting of transactions within the same unit of government.

(1) One state agency reimburses another agency of the same state for conducting operations on its behalf using a state-owned aircraft. If the two agencies share a common treasury, the operation is not ''for commercial purposes'' within the meaning of the statute.

(2) A federal agency reimburses a state agency for conducting aircraft operations on the former's behalf using state-owned aircraft. Such an operation is considered to be ''for commercial purposes.'' Generally, this operation would be a civil aircraft operation, unless the federal agency certified that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat. In that case, the operation would be considered a public aircraft operation.

b. *''Whose Presence is Required to Perform.''* This phrase means that the person is aboard the aircraft for the purpose of performing a task or duty directly related to an ongoing governmental function of the sort enumerated in the statute. It indicates that the person's presence is essential to the performance of that function.

(1) Examples:

(i) Firefighters who are being transported for the purpose of engaging in a current firefighting activity are considered persons whose presence is essential for the performance of that activity. The transport of firefighters directly to a firefront by aircraft as part of a mission for which the use of an aircraft is necessary would constitute an accepted activity. Similarly, the transport of firefighters to a base camp by aircraft where they are to be dispersed to the firefront may be viewed in the same manner.

(ii) Officials who are conducting law enforcement operations while in an aircraft would be considered as being required for the performance of that governmental function. Thus, the carriage of law enforcement personnel performing aerial surveillance would be considered as necessary to perform the law enforcement function. So too, might officials who are being transported for the purpose of engaging in a law enforcement activity. For example, the carriage of officers to the scene of a public disturbance for the purpose of

performing riot control duty on the ground would also be included if the effectiveness of riot control would be compromised by inability to use the aircraft. The movement of law enforcement personnel for administrative purposes would not be considered necessary for the performance of an excepted government function.

(iii) Persons engaging in search and rescue operations from an aircraft would be considered necessary for the performance of the governmental function. Also included would be persons who are being carried to a remote search area from which they would conduct ground search and rescue operations, provided that the use of the aircraft is necessary for the performance of that mission.

(iv) Persons on board aircraft conducting aeronautical research who are engaged in the airborne gathering of data or information are necessary for performance of the governmental function.

(v) Persons on board an aircraft that is engaged in biological and geological resource management would be included, so long as they perform biological and geological resource management-related duties on the aircraft. Also included would be persons carried to a location from which they would engage in an ongoing operation or mission.

c. ''*Associated with the Performance of.*'' This clause operates to include persons who, while not directly engaged in performing the governmental function, are present on the aircraft in connection with that function.

(1) Examples:

(i) An official who accompanies firefighters to a fire to oversee or assess the success of the operation and/or the need to commit further resources to the fire fight would be associated with the performance of the governmental function.

(ii) A ground crew that accompanies a weather research aircraft to the theater of operations for the purpose of maintaining the aircraft and equipment would be associated with the performance of the governmental function.

(iii) Prisoners who are being transported aboard an aircraft are associated with the performance of a law enforcement function.

(iv) Persons who are rescued during a search and rescue operation are associated with that function. Also included are members of a ground rescue party which assists in the search and rescue operation.

d. ''*Governmental Function Such As. . .*'' The term ''such as,'' when used in the clause ''a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management'' indicates that the listed functions are not exhaustive and that the exception may apply to other governmental functions as well. However, the exception is limited to those other governmental functions that are comparable to and consistent with the listed functions. The unifying characteristic shared by the governmental functions listed in the statute is that they each involve the carriage of persons as part of a mission for which the use of an aircraft is necessary. Thus, it is not sufficient to merely show that the passengers are being transported to perform one of the functions listed in the statute; the use of the aircraft must be necessary for the performance of the mission. The aircraft would be necessary for the performance of a mission if the inability to use the aircraft would compromise the effectiveness of that mission.

(1) Examples:

(i) The use of an aircraft for administrative travel, such as to attend meetings or make speeches, would not be considered for the performance of a listed or comparable governmental mission. Such an operation would not qualify for the exception.

(ii) Training flights would be included if the persons on board are being trained on the aircraft to perform one of the functions listed in the statute. Flights to transport persons to receive ground training would not be included.

(2) ''*Firefighting.*'' This term includes the dispensing of water or fire retardants on a fire. It also includes the transport of firefighters and equipment to a fire or to a base camp from which they would be dispersed to conduct the firefighting activities.

(3) ''*Search and Rescue.*'' This term is commonly used to mean operations conducted to locate and rescue persons who are lost, injured, and/or exposed to some degree of danger or harm. Generally, the use of an aircraft is indispensable to the search effort or is the only feasible means of recovering the victim. Persons rescued would be considered ''associated with'' the activity.

(4) ''*Law Enforcement.*'' Operations requiring the use of an aircraft, such as aerial surveillance, fugitive apprehension, and riot control could be included. Also included would be other situations where the use of an aircraft is essential for the performance of an ongoing law enforcement mission. For instance, deployment of SWAT teams to the theater of operations by aircraft would be included when the use of an aircraft is essential for the successful performance of the mission.

(5) ''*Aeronautical Research.*'' This term would include flights to measure the performance of aircraft or aeronautical components. It would also include atmospheric research, meteorological observation and airborne astronomy.

(6) ''*Biological and Geological Resource Management.*'' This term would include operations which require the use of an aircraft for the successful performance of the mission. For example, counting wildlife from an aircraft would be included.

(7) ''*Other Governmental Functions—Examples:*''

(i) *Medical evacuation.* While this term is not considered synonymous with ''search and rescue,'' it may be an included governmental function, depending on the particular circumstances of the operation. Again, the use of an aircraft must be essential to the successful performance of the mission. It is unlikely that the use of an aircraft would be essential for a medical evacuation operation in an urban area where other means of transportation are routinely available.

(ii) *Aerial Survey.* Operations conducted to assure compliance with state or local laws or codes are included if the inability to use an aircraft would compromise the effectiveness of the mission. Examples:

(A) The identification of environmental polluters would be included if the use of an aircraft was necessary to locate the offenders.

(B) Aerial patrol of nuclear test sites to deter or locate trespassers would be included.

e. ''*Cost-Reimbursement Agreement.*'' This term means any agreement, oral or written, providing for reimbursement of all or part of the costs of an aircraft operation. Any charge or payment in excess of the cost of the operation would not constitute a cost-reimbursement agreement.

f. ''*Unit of Government.*'' This term means a government body. Generally, the singular characteristic of a unit of government in this context is its common treasury. Reimbursement for flight operations between two elements of the same unit of government would not be considered an operation for ''compensation or hire.'' However, the receipt of reimbursement for a flight operation from an element of one unit of government to an element of a separate unit of government would constitute an operation ''for commercial purposes.'' Such operation would be considered a civil aircraft operation, except when the government unit, which receives the benefit of the operation, certifies that there is a significant and immediate threat to life or property and that not private operator is reasonably available.

g. ''*Certifies.*'' The certification that there is a significant and immediate threat to life or property and that no private operator is reasonably available should be made by the unit of government on whose behalf the operation is conducted. Without the certification, the unit of government who receives reimbursement for conducting the operation will be assumed to have conducted the operation ''for commercial purposes.'' Such an operation will be considered a civil aircraft operation and may require compliance with FAR Part 121, 125, 133, 135, or 137.

(1) The certification should include: the date of the operation, a description of the flight operation conducted, a description of the significant or immediate threat, and an explanation of why it was determined that no service by a private operator was reasonably available.

(2) The certification is the responsibility of the unit of government which provides the flight operations. It is suggested that the certification be completed contemporaneously with the operation and be retained by the unit of government which operated the aircraft.

h. ''*Significant and Imminent Threat.*'' This term refers to a situation where the public agency responsible for responding to a threat has determined that serious injury or death, or significant damage to property (including natural resources) is present. The agency must also determine that the use of an aircraft is necessary to respond to the threat.

i. ''*No Service by a Private Operator was Reasonably Available.*'' This term means that the public agency responsible for responding to a threat has reasonably determined that, at

the time of the response, no private operator was available and capable of responding to the threat in a timely manner.

Chapter 2. Bringing Operations Into Compliance

3. Basic Types of Civil Aircraft Operations

The government operator should contact the nearest FAA Flight Standards district office (FSDO) for assistance and guidance in bringing its operations into compliance with the FAR. For operations requiring certification, the FSDO manager will assign an FAA aviation safety inspector to assist the government operator during the certification process. Initial inquiries about certification or requests for applications should be in writing or by personal visit to the FSDO.

a. *FAR Part 91.*

(1) FAR Part 91 prescribes the general flight rules for all aircraft operations within the United States, including the waters within 3 nautical miles of the U.S. coast. U.S.-registered civil aircraft are required to comply with FAR Part 91. When over the high seas, they must comply with Annex 2 (Rules of the Air) to the Convention on International Civil Aviation.

(2) FAR Part 91 prohibits a pilot from operating a civil aircraft unless it is in an airworthy condition. The pilot in command (PIC) is responsible for determining whether the aircraft is in condition for safe flight. The PIC is required to terminate the flight when unairworthy mechanical, electrical, or structural conditions occur. In addition, the PIC may not operate the aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry.

(3) Under FAR Part 91, the PIC of an aircraft is directly responsible for, and is the final authority as to the operation of that aircraft. In case of an inflight emergency, the PIC is authorized to deviate from any rule in FAR Part 91 to the extent necessary to meet the emergency. However, any PIC who deviates from a rule in FAR Part 91 is required, upon the request of the Administrator, to send a written report of that deviation to the Administrator.

b. *FAR Part 125.* If an operator uses an airplane with a seating configuration for 20 or more passenger seats or a maximum payload capacity of 6,000 pounds or more, and is not engaged in ''common carriage,'' then FAR Part 125 applies. A person is considered to be engaged in ''common carriage'' when ''holding out'' to the general public or to a segment of the public as willing to furnish transportation within the limits of its facilities to any person who wants it. Examples of holding out are as follows: advertising through telephone yellow pages, billboards, television, radio, and individual ticketing. FAR Section 125.11(b) prohibits FAR Part 125 certificate holders from conducting any operation which results directly or indirectly from holding out to the general public. Further information regarding common carriage vs. private carriage can be found in AC 120–12. If the operator is engaged in ''common carriage,'' then FAR Part 121 or 135 applies rather than FAR Part 125.

c. *FAR Part 121 or 135.* When a government-owned aircraft is operated ''for commercial purposes'' (see paragraph 2(a) above), the requirements contained in either FAR Part 121 or 135, depending on the type of operation, must be met. Generally, FAR Part 121 applies to domestic, flag, and supplemental air carriers and commercial operators of large aircraft, while FAR Part 135 applies to air taxi operators and commercial operators. An operator should consult Special Federal Aviation Regulation (SFAR) No. 38–2 as well as the applicability provisions of each part (FAR Sections 121.1 and 135.1) to determine whether it is FAR Part 121 or 135 that applies to a particular operation. The FSDO will provide an applicant for a FAR Part 121 or 135 certificate with a videotape on certification and a copy of AC 120–49, Certification of Air Carriers. Once the videotape and the AC have been reviewed, the applicant will complete FAA Form 8400–6, Preapplication Statement of Intent, and the FSDO manager will assign a Certification Team to assist the applicant through each phase of the certification process.

d. *FAR Part 133.* FAR Part 133, Rotorcraft External-Load Operations, prescribes the airworthiness certification requirements for rotorcraft, and the operating and certification rules governing the operation of rotorcraft conducting external-load operations in the United States by any person. The certification rules do not apply to a Federal, state, or local government conducting operations with a government-owned aircraft unless it is operating as a civil aircraft due to receipt of compensation. Federal, state, or local governments must; however, comply with all of the other rules contained in FAR Part 133, even when operating a public aircraft.

(1) FAR Part 133 requires that a person must obtain a Rotorcraft External-Load Operator Certificate issued by the FAA before any rotorcraft external-load operations in the United States are begun. This certificate is valid for 24-calendar months unless it is surrendered, suspended, or revoked prior to the expiration date shown on the certificate.

(2) Rotorcraft used in external-load operations must have been type certificated and must continue to meet the requirements of FAR Part 27 or 29 or of FAR Section 21.25. Rotorcraft must also comply with the airworthiness requirements contained in Subpart D of FAR Part 133 and must have a valid standard or restricted category airworthiness certificate. At the present time, only rotorcraft of U.S. registry are eligible for external-load operations.

(3) Pilots conducting rotorcraft external-load operations must have at least a current commercial pilot certificate with a rating appropriate to the rotorcraft being used, and a Second Class Medical Certificate.

e. *FAR Part 137.* FAR Part 137, Agricultural Aircraft Operations, prescribes the rules which govern the certification and operation of agricultual aircraft operated in the United States, and the issuance of either a private or commercial agricultural aircraft operator certificate for those operations. In a public emergency, a person who conducts agricultural aircraft operations may, where necessary, deviate from any operating rule contained in FAR Part 137 for relief and welfare activities approved by an agency of the United States or of a state or local government. However, each person who deviates from a rule shall complete a report of the aircraft operation involved within 10 days, including a description of the operation and the reasons for it, to the nearest FAA FSDO.

(1) As defined in FAR Part 137, an agricultural aircraft operation means the operation of an aircraft for the purpose of:

(i) Dispensing any economic poison;

(ii) Dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or

(iii) Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation. It does not include the dispensing of live insects. Forest firefighting is considered to be an agricultural aircraft operation.

(2) FAR Part 137 requires that a person must obtain an Agricultural Aircraft Operator Certificate issued by the FAA before any agricultural aircraft operations in the United States are begun. A rotorcraft may conduct agricultural aircraft operations with external dispensing equipment in place without a rotorcraft external-load operator certificate. However, an operator with a rotorcraft external-load operator certificate may conduct agricultural aircraft operations if it disperses only water on forest fires by rotorcraft external-load means without an agricultural aircraft operator certificate. A Federal, state, or local government conducting agricultural aircraft operations is not required to obtain an Agricultural Aircraft Operator Certificate. They must; however, comply with all of the other rules contained in FAR Part 137.

(3) Aircraft used in agricultural aircraft operations must be certificated and airworthy, and equipped for agricultural operation. They must be equipped with a suitable and properly installed shoulder harness for use by each pilot.

(4) Operators conducting agricultural aircraft operations must have the services of one person who has at least a current U.S. commercial pilot certificate and who is properly rated for the aircraft to be used.

4. Pilot Certification

a. *Generally.* All civil aircraft are required to be operated by pilots certificated under FAR Part 61, Certification: Pilots And Flight Instructors. FAR Part 61 prescribes the requirements for issuing pilot certificates and ratings, the conditions under which those certificates and ratings are necessary, and the privileges and limitations of those certificates and ratings.

b. *Domestic Aircraft.* Pilots operating civil aircraft of U.S. registry are required to have in their personal possession a current pilot certificate issued to them under FAR Part 61. U.S.-registered aircraft may be operated in a foreign country with a pilot license issued by that country.

c. *Foreign Aircraft.* Foreign aircraft may be operated in the U.S. by pilots who have in

their personal possession current pilot certificates issued under FAR Part 61 or a pilot license issued to them or validated for them by the country in which the aircraft is registered.

d. *Medical Certificate.* Pilots operating U.S.-registered civil aircraft are required to have in their personal possession an appropriate current medical certificate issued to them under FAR Part 67, Medical Standards and Certification. FAR Part 67 prescribes the medical standards for issuing medical certificates. A Third Class Medical Certificate is required for Private Pilot certification. A Second Class Medical Certificate is required for Commercial Pilot certification. A First Class Medical Certificate is required for Airline Transport Pilot Certification.

e. *Instrument Rating.* Pilots operating civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for Visual Flights Rules are required to hold an Instrument Rating or an Airline Transport Pilot Certificate appropriate for the aircraft flown.

5. Aircraft Certification

a. *Generally.* Government aircraft operations that are no longer eligible for public aircraft status must now meet the civil airworthiness standards for certification of aircraft. This includes the aircraft's engines and propellers as well as the aircraft as a whole. A civil aircraft must have a current airworthiness certificate to operate in the National Airspace System. Additionally, all civil aircraft must meet the following requirements:

(1) The aircraft must have an effective U.S. registration certificate on board during all operations as required by FAR Section 91.203.

(2) An appropriate and current airworthiness certificate must be displayed in accordance with FAR § 91.203(c). An airworthiness certificate is effective as long as the maintenance, preventative maintenance, and alterations are performed in accordance with FAR Parts 21, 43, and 91, as appropriate, and the aircraft is registered in the United States.

(3) The aircraft must have been inspected in accordance with FAR § 91.409 within the preceding 12-calendar months.

(i) If the government agency plans to use a progressive inspection program, it must submit a written request to the FAA. The request must be sent to the FSDO having jurisdiction over the area in which the applicant is located and the applicant must be able to meet the requirements identified in FAR § 91.409(d).

(ii) Large airplanes, turobjet multiengine airplanes, turbopropeller-powered multiengine airplanes, and turbine-powered rotorcraft must have a program approved that meets the requirements of FAR § 91.409(e).

(4) All maintenance and required inspections must have been completed by a person authorized under FAR Sections 43.3 and 43.7. Additionally, the maintenance and inspections performed must be recorded in accordance with FAR Sections 43.9 and 43.11. FAR Part 43 prescribes the rules governing the maintenance, preventative maintenance, rebuilding, and alteration of civil U.S.-registered aircraft.

(5) Any alterations to the aircraft must have been accomplished and returned to service by an appropriately certified and authorized person under FAR Part 43.

(6) Aircraft operations for compensation or hire must be performed in accordance with the appropriate Air Operations Certificate, e.g., FAR Part 125, 135, etc.

b. *Type Certification.* Prior to airworthiness certification, the type design must be certificated by the FAA. Section 603(c) of the Federal Aviation Act of 1958 makes a type certificate a prerequisite for issuance of airworthiness certificates. Each government operator who wishes to determine the eligibility of its aircraft for civil operations must contact the responsible geographic Aircraft Certification Office (ACO) for assistance in seeking either:

(1) Design approval for aircraft that have been type certificated in the past; or

(2) Type certification approval of aircraft that have been operated in the past under aircraft status without a type certificate.

c. *Aircraft Previously Type Certificated.* If the aircraft was originally built to an FAA type certificate, the Aircraft Certification Office will review the type certificate data and make a comparison with the aircraft's current design and condition.

(1) The applicant should provide the FAA Aircraft Certification Office with the technical information to assist in the following:

(i) A review of type design for any engineering changes or modifications;

(ii) A review of replacement parts and technical data on the replacement parts;

(iii) A review of applicable Airworthiness Directives (AD);

(iv) A review of previous operating regimes;

(v) If needed, application of later regulatory amendments or special conditions for any changes found necessary to establish current airworthiness standards for safe design.

(2) The applicant must provide accurate records of any changes from the approved type design that are necessary to establish the current design. The applicant should update all maintenance manuals as necessary. If there has been a substantial change in the type design, e.g., in the configuration, power, power limitations, speed limitations, or weight that have proven so extensive that a substantially complete investigation of compliance with the applicable regulations is required, the owner will be required to apply for a new type certificate.

d. *Aircraft with No Prior Certification.* It may be difficult to obtain type certification of aircraft that have no history of civil certification. However, if a government operator wishes to apply for type certification, it should file an application for a type certificate on FAA Form 8110.12. The applicant must submit the application and all type design data for the aircraft, including the aircraft's engines and propellers, to the Aircraft Certification Office in its geographic area for approval. The application form must be accompanied by a three-view drawing and available basic data so that a preliminary regulatory certification basis may be established. The applicable airworthiness certification regulations, i.e., FAR Part 23, 25, 27, 29, 33, 35, etc., will be those that are in effect on the date of application for the certificate, unless otherwise noted in the regulations. The applicant must submit the type design, test reports, and computations necessary to show that the product to be certificated meets the applicable airworthiness, aircraft noise, fuel venting, and exhaust emission requirements of the FAR. Upon examining the data and test reports, participating in testing, and inspecting the prototype aircraft, the Administrator must be able to find that the type design in fact complies with the above-mentioned regulations.

e. *Airworthiness Certification.* An operator of an aircraft that has been operated in public aircraft status cannot obtain a standard airworthiness certificate or return the aircraft to civil operations without showing that the aircraft meets all the criteria for that airworthiness certificate as prescribed by the regulations. Making that showing may be difficult when the aircraft has not been maintained, altered, or inspected in accordance with the FAR. In order to receive a standard airworthiness certificate, the operator should show that the aircraft has been maintained according to the manufacturer's instructions, and that any modifications to the aircraft either were removed or approved by the FAA. Before a standard airworthiness certificate can be issued, the applicant must show that:

(1) The aircraft conforms to its approved type design and is in condition for safe operation.

(2) Any alterations were accomplished in accordance with an approved supplemental type certificate (STC) or other FAA approved data, such as a field approval as reflected by the issuance of an FAA Form 337, Major Repair or Alteration.

(3) All applicable AD's have been complied with.

(4) If altered while in another category, the aircraft continues to meet, or has been returned to, its approved type design configuration and is in a condition for safe operation.

f. *Procedures for Obtaining Certificate.* Applicants interested in obtaining an airworthiness certificate must follow the following procedures.

(1) Applicants are required to submit a properly executed Application for Airworthiness, FAA Form 8130–6, and any other documents called for in FAR Parts 21 and 45 for certification. An applicant may obtain an FAA Form 8130–6, ''Application for Airworthiness'' from the local Manufacturing Inspection district office (MIDO) or FSDO. The applicant must have completed and signed the appropriate sections prior to submitting it to the FAA.

(2) The applicant is required to make available for inspection and review the aircraft, aircraft records, and any other data necessary to establish conformity to its type design.

(3) The applicant must properly register the aircraft in accordance with FAR Part 47, Aircraft Registration.

(4) The applicant is also required to show that the aircraft complies with the noise

standards of FAR §§ 21.93(b), 21.183(e), Part 36, or Part 91, as appropriate. This may be demonstrated through the use of data. Also, the applicant is required to show that the aircraft's fuel venting and exhaust emission systems comply with the requirements of FAR Part 34. In addition, the applicant must show the aircraft meets the applicable passenger emergency exist requirements of FAR Section 21.183(f) and SFAR No. 41.

(5) During the course of the certification process, the FAA will review records and documentation to the extent necessary to establish that:

(i) All of the required records and documentation are provided for the aircraft; i.e., an up-to-date approved flight manual, a current weight and balance report, equipment list, maintenance records, FAA-accepted Instructions for Continued Airworthiness (ICAW) and/or FAA-acceptance maintenance manual(s) (MM), and any other manuals required by FAR §§ 21.31, 21.50, 23.1529, 25.1529, 27.1529, 29.1529, 33.4, and 35.4. These documents must be in the English language.

(ii) The applicant should ensure that the appropriate markings are present in accordance with FAR Part 45. The applicant should make available the Type Certificate Data Sheets (TCDS), aircraft specification, or aircraft listing that is applicable.

(iii) The inspection records and technical data should reflect that the aircraft conforms to the type design, and all required inspections, including those provided for in FAR § 21.183(d)(2), which provides for a 100-hour inspection, as described in FAR § 43.15 and Appendix D. The applicant must also show that the tests the aircraft has been subjected to have been satisfactorily completed, the records completed, and reflect no unapproved design changes.

(iv) The aircraft has been flight tested, if required. If it has not been flight tested, the FAA may issue a special airworthiness certificate as provided for in FAR § 21.35 and 21.191(b). The flight test must be recorded in the aircraft records in accordance with FAR § 91.417(a)(2)(i) as time in service as defined in FAR Part 1. Aircraft assembled by a person other than the manufacturer (e.g., a dealer or distributor) must have been assembled and, when applicable, flight tested in accordance with the manufacturer's FAA-approved procedures.

(v) Large airplanes, turbojet, or turbopropeller multiengined airplanes must comply with the inspection program requirements of Subpart C of FAR Part 91 or other FAR referenced therein. A supplemental structural inspection program is also required for certain large transport category airplanes. Reference AC 91–56, Supplemental Structural Inspection Program for Large Transport Category Airplanes.

(6) Inspection of the aircraft. Aircraft submitted by the applicant for inspection will be inspected for the following:

(i) The nationality and registration marks and identification plate should be displayed and marked in accordance with FAR Part 45. The information presented should agree with the application for airworthiness certification.

(ii) All equipment, both required and optional, should be properly installed and listed in the aircraft equipment list.

(iii) Instruments and placards should be located in the appropriate places, installed, and properly marked in the English language.

(iv) All applicable AD's must have been complied with and appropriately recorded.

(v) The aircraft should conform to its approved U.S. type certificate and should be in a condition for safe operation.

(vi) All aircraft systems should have been satisfactorily checked for proper operation. The operation of the engine(s) and propeller(s) should be checked in accordance with the aircraft manufacturer's instructions.

Chapter 3. Applying for an Exemption

6. Administrator's Exemption Authority

a. *In General.* The FAA Administrator has the authority to grant exemptions, provided certain requirements are met, to units of government for operations that do not have public aircraft status. The Independent Safety Board Act Amendments of 1994, Pub. L. 103–411, provide, in pertinent part:

(1) Authority to Grant Statutory Exemptions.

(i) In General. The Administrator of the Federal Aviation Administration may grant an exemption to any unit of Federal, State, or local government from any requirement of part A of subtitle VII of title 49, United States Code, that would otherwise be applicable to current or future aircraft of such unit of government as a result of the amendment made by subsection (a) of this section (the revised ''public aircraft'' definition).

Note: The above provision authorizes exemptions from the United States Code—specifically, the Federal Aviation Act of 1958, as amended and recodified—rather than from the regulations. The above provision authorizes such exemptions only for operations whose status has changed as a result of the revised definition of public aircraft. This authorization does not apply to operations conducted for commercial purposes, in as much as they were considered civil aircraft operations under both the original and revised definitions.

b. *Statutory Requirements.* The statute provides as follows:

(1) The Administrator may grant an exemption [to a unit of government] * * * only if—

(i) The Administrator finds that granting the exemption is necessary to prevent an undue economic burden on the unit of government and

(ii) The Administrator certifies that the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

Independent Safety Board Act Amendments of 1994, Section (b)(2), Pub. L. 103–411 (emphasis added).

c. *Delegation of Authority.* In the interest of administrative efficiency, the Administrator's authority to grant exemptions to units of government has been delegated to the Director, Flight Standards Service, and the Director, Aircraft Certification Service. FAR Section 11.25(b)(6).

7. Key Statutory Terms

a. *''The Administrator Finds * * * and * * * Certifies.''* This language indicates that the Administrator, or his or her delegate, is to make an independent determination as to whether the statutory requirements for granting an exemption have been met. This is in contrast to an earlier portion of the statute in which the unit of government rather than the Administrator makes the required certifications (that the operation was necessary to respond to a significant and imminent threat, and that no private operator was reasonably available to meet the threat).

b. *''Undue Economic Burden.''* One finding that the Administrator or his or her delegate must make before granting an exemption is that the exemption is necessary to prevent an undue economic burden on the unit of government. ''Undue economic burden'' means that it would cost substantially more to comply with FAA regulations than with ''an aviation safety program that is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government'' under the statute's exemption provision. To show ''substantial additional costs,'' a petitioner for exemption should submit information that will allow the FAA to compare the cost of operating in compliance with Part A of Subtitle VII of Title 49 of the United States Code with comparable costs if an exemption were granted.

c. *''Aviation Safety Program.''* The Administrator or the Administrator's delegate may not grant an exemption to a unit of government without certifying that the aviation safety program of the unit of government is ''effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.'' As a result, in the petition for an exemption, the petitioner must show to the Administrator's satisfaction that the petitioner's aviation safety program is effective and appropriate to ensure safe operations of the type of aircraft operated by the petitioner. Example: A unit of government applies for an exemption on an aircraft whose wings were modified to carry external pods for various surveillance activities. In its proposed aviation safety program, the unit of government would need to identify how the continued airworthiness of the modification will be accomplished. At minimum, the following may be required: a special structural inspection at the wing attach points, additional training for pilots operating the aircraft during pod installations, and flight manual changes to reflect any new operating limitations that may be necessary due to the modifications.

d. *Aircraft with No Previous FAA Type Certification.* It may be difficult for units of government to show that, for aircraft having no previous FAA type certification, e.g., military surplus aircraft, they have ''an aviation safety program that is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.'' In order to make the ''effective and appropriate aviation safety program'' finding, the FAA must be assured that the safety of the aircraft in question is comparable to that provided by the FAR. Aircraft that have no history of civil

certification often present significant ''unknowns'' when it comes to such critical safety matters as life-limited parts and aircraft design. Thus, such aircraft often do not have the basis on which to build an aviation safety program that is effective and appropriate to ensure safe operations. A unit of government developing a proposal for an aviation safety program may find the information below helpful:

(1) *Generally.* Subpart E of FAR Part 91 prescribes the rules governing the maintenance, preventative maintenance, and alterations of U.S.-registered aircraft civil aircraft operating within and outside the United States. FAR § 91.403 states that the owner or operator of an aircraft is primarily responsible for maintaining that aircraft in an airworthy condition, including compliance with FAR Part 39. FAR Part 39 describes the requirements for compliance to AD's issued by the FAA.

(2) *Inspection Programs.* Operators of large aircraft, turbojet multiengine airplanes, or turbopropeller powered multiengine airplanes, should select and use one of the four inspection program options outlined in FAR §§ 91.409 (e) and (f).

(i) For one of the four inspection program options, that identified in FAR § 91.409(f)(4), the inspection program submitted should be compared with the manufacturer's recommended program. Where there is no manufacturer's program, a time-tested program should be utilized. The program developed must provide a level of safety equivalent to or greater than that provided by the other inspection options identified in FAR, § 91.409(f).

(ii) For the other three inspection options outlined in FAR §§ 91.409 (e) and (f), the basis for the development of the inspection program or the instructions for continued airworthiness, including the detail of the parts and areas of the airplane to be inspected, is the manufacturer's recommendations. In the case of surplus military aircraft, the manufacturers provide this basic information to the specific military service that has contracted for the airplane. The military service then develops a reliability-centered maintenance program to meet its needs and environment which are often comparable to the continuous airworthiness maintenance programs developed by air carriers.

(iii) In many cases, manufacturers may be unwilling or unable to provide instructions for continued airworthiness for operation of the airplane in other than a military environment. Therefore, in keeping with existing policy as provided by the FAA, the only reasonable basis that for detailing the inspection criteria for the aircraft to be inspected, as required by FAR § 91.409(g)(1), is the scope and detail developed by the applicable military service.

(iv) In addition to the ''field'' level inspection requirements set forth in the military maintenance program, the ''depot'' level inspection requirements should also be included in any inspection program approved under FAR § 91.409(f)(4). The military ''field'' level maintenance is roughly equivalent to the civil terminology that air carriers use to describe ''A, B or C'' checks. The military ''depot'' level maintenance is comparable to the ''heavy C or D'' checks used by air carriers. Some air carriers may use a numerical description verses the alphabetical identifier for inspection checks.

(v) The inspection frequency and program structure established by the military may not be appropriate for use in a civilian environment. Therefore, inspection frequency and program structure may require adjustment to meet the government operator's requirement. However, facts and sound judgment must form the basis for any inspection frequency adjustment beyond that which has been established for use by the military.

(vi) An alternate means of compliance for individual specific inspection requirements, in lieu of that which is called for in the military ''field'' or ''depot'' level programs, may be approved following evaluation of the applicant's inspection process instructions.

(vii) Revisions to an operator's existing approved inspection program can be requested by the Administrator in accordance with FAR § 91.415.

(3) *Persons Conducting Inspections and Maintenance.* The program proposed by the petitioner should include procedures to insure that inspections and maintenance tasks are performed by persons authorized by FAR §§ 43.5 and 43.7.

(4) *Modifications and Repairs.* The program must identify all major modifications and repairs accomplished since the aircraft was put into service. Additionally, all further modifications and major repairs will need to be approved in the same format as required for civil aircraft under the regulations.

8. Petition for Exemption

a. *Procedure.* FAR § 11.25—contains the procedures to be followed by a unit of government seeking any kind of exemption. The petition for exemption should be submitted in duplicate to the Rules Docket (AGC–10), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Under FAR Part 11, petitions for exemption are published in the **Federal Register** for notice and comment period.

b. *Contents.* The petition for statutory exemption must set forth the text or substance of the statute from which the exemption is sought. (As noted above, Congress authorized exemptions from the *statute*—the Federal Aviation Act of 1958, as amended and recodified—rather than from the *regulations*). The petition for exemption must contain any information, views, or analysis available to the petitioner to show that the statutory requirements for granting an exemption have been met—i.e.:

(1) That the exemption is necessary to prevent an undue economic burden on the unit of government; and

(2) That the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government. Individuals drafting a petition for exemption on behalf of a unit of government should familiarize themselves with FAR Part 11.

[FR Doc. 95–10052 Filed 4–19–95; 3:14 pm]

BILLING CODE 4910–13–M

Notice of Availability, Draft Environmental Impact Statement for the Proposed Master Plan Update at Seattle-Tacoma International Airport, Seattle, Washington

AGENCY: Federal Aviation Administration (FAA).

ACTION: Draft Environmental Impact Statement Notice of Availability.

SUMMARY: The Federal Aviation Administration (FAA) has released, for public and agency review, the Draft Environmental Impact Statement (DEIS) for the Master Plan Update at Seattle-Tacoma International Airport, Seattle, Washington. This document summarizes the anticipated environmental impacts of the proposed alternatives that include development of a new parallel runway, and additional terminal, landside and cargo facilities. All of the development alternatives will result in floodplain encroachment, wetland filling, stream relocation, property acquisition, as well as other impacts such as changes in noise and air quality.

DATES: In order to be considered, written comments must be received by Mr. Dennis G. Ossenkop, Federal Aviation Administration, Airports Division, 1601 Lind Ave. SW., Renton, WA 98055–4056, on or before August 3, 1995. Questions concerning the draft EIS should also be directed to Mr. Ossenkop.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has released, for public and agency review, the Draft Environmental Impact Statement for the Master Plan Update at Seattle-Tacoma International Airport. This document summarizes the anticipated environmental impacts of the proposed alternatives that include development of a new parallel runway, and additional terminal, landside and cargo facilities. All of the development alternatives will result in floodplain encroachment, wetland filling, stream relocation, and property acquisition, as well as other impacts.

The FAA and the Port of Seattle (owner of the airport), as joint lead agencies, will host two Public Hearings concerning the proposed Master Plan Update alternatives. The first Public Hearing will be held from 1:00 PM to 10:00 PM on Thursday, June 1, 1995 at the Red Lion Hotel near Sea-Tac Airport, 18740 Pacific Highway South,

Seattle, Washington. Simultaneously, an open house/workshop will be conducted to give interested persons an opportunity to meet with representatives from the study team. The date, time and location of the second public hearing will be announced in a future notice.

The purpose of the Hearing is to consider the economic, social, and environmental effects of the proposed Master Plan Development. The public will be afforded the opportunity to present oral testimony and/or written testimony pertinent to the intent of the hearing. Individuals wishing to testify can obtain a pre-reserved testimony slot by calling the FAA at (206) 431–4993. The first half-hour of each hour of the Hearing will be allocated to pre-reserved testimony. Testimony from a group or agency representative will be limited to 5 minutes. All others will be given 3 minutes. Additional comments should be submitted no later than August 3, 1995, to Mr. Dennis Ossenkop, ANM–611, Federal Aviation Administration, Northwest Mountain Region, Airports Division, 1601 Lind Avenue, SW., Renton, WA 98055–4056.

Any person desiring to review the Draft Environmental Impact Statement may do so during normal business hours at the following locations:

Federal Aviation Administration, Airports Division Regional Office, Room 540, 1601 Lind Avenue, SW., Renton, Washington.

Port of Seattle, Aviation Planning, Terminal Building, 3rd Floor, Room 301, Sea-Tac Airport, Seattle, Washington.

Port of Seattle, Second Floor Bid Counter, Pier 69, 2711 Alaskan Way, Seattle, Washington.

Boulevard Park Library, 12015 Roseberg, South, Seattle, Washington.

Burien Library, 14700–6th, SW., Burien, Washington.

Des Moines Library, 21620–11th, South, Des Moines, Washington.

Federal Way Library, 34200–1st South, Federal Way, Washington.

Foster Library, 4205 South 142nd, Tukwila, Washington.

Seattle Library, 1000–4th Avenue, Seattle, Washington.

Tacoma Public Library, 1102 Tacoma Avenue, South, Tacoma, Washington.

University of Washington, Suzallo Library, Government Publications, Seattle, Washington.

Valley View Library, 17850 Military Road, South, SeaTac, Washington.

Issued in Renton, Washington on April 14, 1995.

Lowell H. Johnson,

Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region, Renton, Washington.

[FR Doc. 95–10038 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss general aviation operations issues.

DATES: The meeting will be held on May 16, 1995, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Aircraft Owners and Pilots Association, 421 Aviation Way, Frederick, MD.

FOR FURTHER INFORMATION CONTACT: Mr. Louis C. Cusimano, Assistant Executive Director for General Aviation Operations, Flight Standards Service (AFS–800), 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202) 267–8452; FAX: (202) 267–5094.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to discuss general aviation operations issues. This meeting will be held on May 16, 1995, at 9:30 a.m., at the Aircraft Owners and Pilots Association, 421 Aviation Way, Frederick MD. The agenda for this meeting will include status reports from the part 103 (Ultralight Vehicles) Working Group and the VHF Navigation and Communications Working Group. In addition, the IFR Fuel Requirements/Destination and Alternate Weather Minimums Working Group will present a concept briefing at the meeting, and the ARAC members will vote whether or not the working group should begin drafting a recommendation. Members of the public may contact Cindy Herman, ARM–108, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–7627, fax (202) 267–5075 to obtain a copy of the briefing prior to the meeting.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on April 18, 1995.

Louis C. Cusimano,

Assistant Executive Director for General Aviation Operations, Aviation Rulemaking Advisory Committee

[FR Doc. 95–10039 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee to discuss rotorcraft issues, current rulemaking actions, and future activities and plans.

DATES: The meeting will be held on May 12, 1995, 8 a.m. Arrange for oral presentations by April 28, 1995.

ADDRESSES: The meeting will be held at the FAA Southwest Regional Office, Rotorcraft Directorate, 2601 Meacham Blvd., Fort Worth, TX 76137–0110.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Herber, Office of Rulemaking, Aircraft & Airport Rules Division, ARM–200, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3498.

SUPPLEMENTARY INFORMATION: The referenced meeting is announced pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II). The agenda will include:

- Status reports on:
  - Final rules resulting from the ARAC recommendations on ''Occupant Protection'' Notice of Proposed Rulemaking (NPRM) 94–8 (59 FR 17156) and ''Rotorcraft Regulatory Changes Based on European Joint Airworthiness Requirements'' NPRM 94–36 (59 FR 67068).
  - Status of the development of a recommendation regarding Class D external loads.
  - Progress on the efforts to identify new upper weight/passenger limits

for Normal Category Rotorcraft.

○ Presentation for approval of the ''Work Plan'' and the '' Concept'' for resolution of each of the following assigned tasks:
- Harmonization of Miscellaneous Rotorcraft Regulations.
- Critical parts.
- Performance and Handling Qualities Requirements.

○ Review of future rotorcraft issues.
- Performance and Handling Qualities Requirements.

○ Review of future rotorcraft issues.

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by April 28, 1995, to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 16 copies to the Assistant Chair or by providing the copies to him at the meeting. In addition, sign and oral interpretation, as well as a listening device, can be made available at the meeting if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Fort Worth, Texas, on April 18, 1995.

Mark R. Schilling,

Assistant Executive Director for Rotorcraft Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–10040 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–M

Executive Committee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Executive Committee of the Federal Aviation Administration Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on May 10, 1995, at 9 a.m. Arrange for oral presentations by April 28, 1995.

ADDRESSES: The meeting will be held at the Aerospace Industries Association of America, 1250 Eye Street, NW., Goddard A/B, Washington, DC, 9 a.m.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Federal Aviation Administration (ARM–25), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9683; fax (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Executive Committee to be held on May 10, 1995, at the Aerospace Industries Association, 1250 Eye Street, NW., Goddard A/B, Washington, DC, 9 a.m. The agenda will include:
- ARAC mailouts
- A follow-up on open action items
- A briefing on the digital information initiative
- Notable comments on specific issues
- EXCOM involvement in tasking and setting of priorities
- Other business

Attendance is open to the interested public but will be limited to the space available. The public must make arrangements by April 28, 1995, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on April 17, 1995.

Chris A. Christie,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 95–1004 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Pensacola Regional Airport, Pensacola, FL

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 use the revenue from a PFC at Pensacola Regional Airport 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 May 24, 1995.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827–5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Frank R. Miller, Airport Director, Pensacola Regional Airport, at the following address: Pensacola Regional Airport, 2430 Airport Boulevard, Pensacola, Florida 32504–8977.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Pensacola under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra A. Nazar, Program Manager, FAA, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827–5397, telephone 407–648–6586. 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 use the revenue from a PFC at Pensacola Regional Airport 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 April 14, 1995, the FAA determined that the application to use the revenue from a PFC submitted by the City of Pensacola 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 August 10, 1995.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: February 1, 1993.

Proposed charge expiration date: April 1, 1995.

Total estimated PFC revenue: $585,000.

Brief description of proposed project(s): Install Vegatation Barrier, Purchase Avigation Easement.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Pensacola.

Issued in Orlando, Florida on April 14, 1995.

Charles E. Blair,

Manager, Orlando Airports District Office Southern Region.

[FR Doc. 95–10037 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 94–48; Notice 2]

John Russo Industrial, Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

John Russo Industrial, Inc. (Russo) of San Jose, California, determined that some of its trucks failed to comply with requirements of several Federal motor vehicle safety standards (FMVSS) in 49 CFR Part 571. These are FMVSS No. 113, ''Hood Latch Systems,'' FMVSS No. 120, ''Tire Selection and Rims for Motor Vehicles other than Passenger Cars,'' FMVSS No. 205, ''Glazing Materials,'' and FMVSS No. 207, ''Seating Systems.'' All these noncompliances were discovered on July 13, 1993 during inspection of vehicles by NHTSA's Office of Vehicle Safety Compliance (File NCI 3288). Russo filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Russo also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) (now 49 U.S.C. 30118 and 30120) on the basis that the noncompliances were inconsequential as they relate to motor vehicle safety. This notice grants the petition.

Notice of receipt of the petition was published on June 9, 1994 (59 FR 29861), and an opportunity afforded for comment. Comments on the petition were received from Donald W. Beams (Fleet Manager, Vehicle Maintenance Division, Department of General Services, City of San Jose); R. A. Gaffney (a senior member of the board of the California Fire Chief's Mechanics Education Committee); and Darlene E. Skelton. These commenters recommended that the petition be denied. Comments on the safety issues were also received from the Fire Marshal of the State of California, Ronny J. Coleman.

1. FMVSS No. 113, "Hood Latch Systems"

In 1991, Russo completed two vehicles which do not comply with the hood latching requirements in S4.2 of FMVSS No. 113, in that panels opening on the front were not provided with a second latch position on the hood latch system or with a second hood latch system. With respect to this noncompliance, Russo argued:

> [49 CFR 571.113 S3] definition, ''Hood means any movable exterior body panel forward of the windshield that is used to cover [an] engine, luggage, storage, or battery compartment.'' The forward face panels on our vehicles are below the windshield, and are not used as compartment, storage, or any criteria to classify it as a hood.
>
> Paragraph S4.2 of standard 113 states: ''A front opening hood which, in any open position partially or completely obstructs a driver's forward view through the windshield must be provided with a second latch position on the hood latch system or with a second hood latch system.''
>
> The access panels in question are not classified as a hood mechanism, therefore [they] do not need to follow these guidelines. If the panel were left open it would not obstruct the driver's view enough to cause a driving hazard.
>
> Our testing of this design consisted of the air flow testing of up to 78 mph with a head wind of 14 mph that brought the total air speed to 92 mph. Air flow only holds the access panel down more securely. The panel cannot fly up as a result of the air flow.
>
> Panels of similar design are easily found on hundreds of thousands of on-road vehicles including GMC Astro 9500, Chevrolet Titan 90, Ford CLT 9000, Freight Liner cab overs, and many other vehicles * * *.
>
> The Hazmat and Command vehicles are built with windshields which are much larger than those of typical van or cab over engine type vehicles. This large windshield is provided partially as a styling feature and partly to provide exceptional visibility in low speed maneuvering situations. The small area of windshield which would be blocked if the access panel could physically be lifted up by air flow, would not even be in the field of view on typical vehicles in this class.

The City of San Jose disputes Russo's contention that the panel is not a hood, saying that the front compartment ''has some storage capacity.'' Commenters expressed concern that the panel could rise and strike the windshield. The Fire Marshal asks whether a standard has been developed for air flow tests; if no standard exists, the panel's performance in Russo's tests is an inadequate justification for granting the petition.

NHTSA has reviewed Russo's arguments and the comments received. The agency accepts the manufacturer's position that the panels do not cover the engine, luggage or storage space, or battery compartment. The panel, therefore, would not appear to be a ''hood'' within the meaning of the standard's definition. Even if it were a hood, Russo's 92 mph wind tests provide a measure of assurance that the airflow increases the pressure on the panels, making it unlikely that the wind could blow the panels open. Even if the panels do blow open, any obstruction to the operator's view is minor and affects visibility only through the lowest portion of the windshield.

2. FMVSS No. 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars"

Seventeen vehicles completed or modified by Russo from 1989 through 1991 do not have the label required by S5.3 of FMVSS No. 120, which includes the size designation of the tires, the size designation of the rims, and the cold inflation pressure of the tires. According to Russo, the noncompliances are due to removal of labels after the purchaser took delivery of the vehicles. It commented that

> Without waiving this petition for exemption due to inconsequential non-compliance, we will notify the Deputy Chief of the San Jose Fire Dept. of our offer to supply and install new decals if they wish in a coordinated verifiable supervised manner. We shall document it for NHTSA and send NHTSA all copies of the labels.

The City of San Jose comments that it has no records that the labels were installed or removed. Darlene E. Skelton says that the same noncompliance can be found on Russo vehicles provided to fire departments other than those of San Jose. The Fire Marshal notes that Russo has offered to provide the labels.

Russo's provision of the labels is the same remedy that other manufacturers with similar noncompliances have performed in the absence of an inconsequentiality petition. Thus, this action moots the petition for relief from remedy. Russo's notification letter to the Fire Department does not contain all the information required by 49 CFR Part 577, but the omissions (safety warnings, DOT address, etc.) are not critical in this case where there is only one owner, who is aware of the problem and who has contacted NHTSA already with comments on it.

3. FMVSS No. 205, "Glazing Materials"

In 1991, Russo completed two vehicles that do not comply with the glazing materials marking requirements in Section 6 of FMVSS No. 205, which state that windshields must be marked AS–1 and windows to the right and left of the driver's position must be marked AS–2. The subject vehicles have no marking on the windshields, and the markings on the windows to the right and left of the driver's position are AS–3, not AS–2. Russo provided a photocopy of a purchase order for AS–1 windshield glass which it claims were used for the windshields. Russo further provided a copy of a letter from the supplier of the cockpit side windows

stating that the windows in question were marked AS–3. Russo argued:

The windshields that were installed in these vehicles were labeled AS–1.

The [installers] had shown us the windshield label on the windshield stock plate before the installation and fitting process. The San Jose Fire Dept.'s Battalion Chief Master Mechanic was also shown the label at this time and he said this to Mr. Shifflet [of NHTSA's Office of Vehicle Safety Compliance] during his visit.

We have a sample of the label that the glass company that supplies the Fire Dept. And all of California had supplied(sic) to show DOT.

The windshield that was supplied to us by San Jose Glass contained this label:

Laminated
16 CFR 1201 M550
CATT II AS–1
DOT 273

* * * * *

The labeling on the driver's and passenger's window is also inconsequential to vehicle safety as shown by supporting data that the glass manufacturer uses all the same AS 2 glass except for a very slight insignificant light transmission in AS-certified configuration.

The City of San Jose notes that the side windows are AS–3 rather than AS–2. Darlene E. Skelton and the Fire Marshal note that the noncompliance is easily remedied by the installation of new glass. The Fire Marshal also believes that the windshield should be marked to bring it into full compliance with Standard No. 205.

Because all windshields are required to be AS–1 glazing, NHTSA is confident that, if the unmarked windshields have to be replaced, the replacement windshield will be AS–1 glazing. The agency does not concur with Russo's characterization of the substitution of AS–3 glazing for AS–2 glazing as resulting in ''a very slight insignificant light transmission'', but it does conclude that, because the noncompliance exists in only two vehicles, it will have an inconsequential effect on safety.

4. FMVSS No. 207, "Seating Systems"

In April 1991, Russo produced one Command/Communications van (1989 Gillig chassis) with an 18,000 pound gross vehicle weight rating. The vehicle is a specially configured portable meeting room for use at the scene of disasters. It is a closed, straight body van-type vehicle consisting essentially of a cab for vehicle operation and a cargo area which Russo converted into a conference room.

Section 4.4 of FMVSS No. 207 requires that all seats not designed to be occupied while the vehicle is in motion are to be conspicuously labeled to that effect. The seats located in the meeting room area of this vehicle are not designed to be occupied while the vehicle is being operated, but are not labeled as such.

Subsequent to its petition, Russo agreed to provide the labels for the seats in question. This moots its penalty for exemption from the statutory remedial requirements. Any failures to comply with the letter of the notification requirements of Part 577 are less significant in the case where notification is to be provided a single owner who is aware of the noncompliance and has commented to NHTSA on it.

Accordingly, in consideration of the foregoing, it is hereby found that the petitioner has met its burden of persuasion that the noncompliances herein described are inconsequential to motor vehicle safety, and its petition is granted.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 18, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–10000 Filed 4–21–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974; Computer Matching Programs

AGENCY: Internal Revenue Service; Treasury Department.

ACTION: Notice.

SUMMARY: Pursuant to Section 552a(e)(12) of the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of Internal Revenue Service computer matching programs.

In accordance with various provisions of section 6103 of the Internal Revenue Code (IRC) of 1986, the computer matching programs provide Federal, State, and local agencies with tax information from IRS records to assist them in administering the programs and activities described hereafter. The purpose of these programs is to prevent or reduce fraud and abuse in certain Federally assisted benefit programs and facilitate the settlement of government claims while protecting the privacy interest of the subjects of the match. The matches are conducted on an on-going basis in accordance with the terms of the Computer Matching Agreement in effect with each participant as approved by the Data Integrity Boards of both agencies, and for the period of time specified in such Agreement. Members of the public desiring specific information concerning an on-going matching activity may request a copy of the agreement at the address provided below.

EFFECTIVE DATE: June 5, 1995.

ADDRESSES: Inquiries may be mailed to Director, Office of Disclosure, Internal Revenue Service, P.O. Box 795, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Gwen Collins, Program Manager, Privacy Act and Education Branch, Internal Revenue Service, (202) 622–6240.

SUPPLEMENTARY INFORMATION: The nature, purposes, and authorities for IRS computer matching programs are as follows:

Matches Conducted Pursuant to IRC 6103(1)(7)

The Service is required, upon written request, to disclose current information from returns with respect to unearned income to any Federal, State, or local agency administering federally-assisted benefit programs which provide:

(a) Aid to Families with Dependent Children (AFDC) under a State Plan approved under Part A of Title IV of the Social Security Act;

(b) Medical assistance under a State plan approved under Title XIX of the Social Security Act;

(c) Supplemental Security Income benefits under Title XVI of the Social Security Act, and federally administered supplementary payments of the type described in section 1616(a) of such Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66, 87 Stat. 155);

(d) Any benefits under a State plan approved under Titles I, X, XIV or XVI of the Social Security Act (as those titles apply to Puerto Rico, Guam and the Virgin Islands);

(e) Unemployment Compensation under a State law as described in section 3304 of the Internal Revenue Code;

(f) Assistance under the Food Stamp Act of 1977; and

(g) State-administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66);

(h) Needs-based pensions under United States Code (USC) Title 38, Chapter 15 or under any other law administered by the Secretary of Veterans Affairs;

(i) Parents' dependency and indemnity compensation under section 1315 of Title 38, USC;

(j) Health-care services under sections 1710(a)(1)(I), 1710(a)(2), 1710(b) and 1712(a)(2)(B) of USC Title 38;

(k) Compensation under chapter 11 of Title 38, United States Code, at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule; and

(l) Any housing assistance administered by the Department of Housing and Urban Development that involves initial and periodic review of an applicant's or participant's income.

Information is disclosed by the Service only for the purpose of, and to the extent necessary in, determining eligibility for, or the correct amount of, benefits under the aforementioned programs.

The return information is extracted on a monthly basis from the Internal Revenue Service Wage and Information Returns Processing File (Treas./IRS System 22.061 (IRP)) for the latest tax year. This file contains information returns (e.g., Forms 1099–DIV, 1099–INT AND w–2G) filed by payers of income.

Federal agencies expected to participate in (1)(7) matches, and their Privacy Act systems of records:

(1) Department of Health and Human Services, Administration for Children and Families (Income and Eligibility Verification for Aid to Families With Dependent Children Quality Control (AFDC–QC) Review, HHS/ACF/OFA 09–80–0201).

(2) Department of Health and Human Services, Health Care Financing Administration (Income and Eligibility Verification for Medicaid Eligibility Quality Control Reviews System, HHS/HCFA/MB 09–07–2006);

(3) Department of Housing and Urban Development, Office of Public and Indian Housing (Tenant Assistance and Contract Verification Data System, HUD/H–11);

(4) Department of Verterans Affairs, Veterans Benefits Administration (Compensation, Pension, Education and Rehabilitation Records, 58 VA 21/22; and Loan Guaranty Home, Condominium, and Manufactured Home Loan Applicant Records, Specially Adapted Housing Applicant Records and Vendee Loan Applicant Records, 55VA26);

(5) Department of Veterans Affairs, Veterans Health Administration (Patient Medical Records-VA, 24VA136); and

(6) Social Security Administration, Office of Supplemental Security Income (Supplemental Security Record (SSR), HHS/SSA/OSR 90–60–0103).

State agencies expected to participate in (1)(7) matches are using a non-Federal system of records:

(1) Alabama Department of Human Resources
(2) Alabama Medicaid Agency
(3) Alaska Department of Health and Social Services
(4) Arizona Department of Economic Security
(5) Arkansas Department of Human Services
(6) California Department of Social Services
(7) Colorado Department of Social Services
(8) Connecticut Department of Social Services
(9) Delaware Department of Health and Social Services
(10) District of Columbia Department of Human Services
(11) Florida Department of Health and Rehabilitative Services
(12) Georgia Department of Human Resources
(13) Guam Department of Public Health and Social Services
(14) Hawaii Department of Human Services
(15) Idaho Department of Health and Welfare
(16) Illinois Department of Public Aid
(17) Indiana Department of Public Welfare
(18) Iowa Department of Human Services
(19) Kansas Department of Social and Rehabilitative Services
(20) Kentucky Cabinet for Human Resources
(21) Louisiana Department of Social Services
(22) Louisiana Department of Health and Hospitals
(23) Maine Department of Human Services
(24) Maryland Department of Human Resources
(25) Massachusetts Department of Public Welfare
(26) Michigan Department of Social Services
(27) Minnesota Department of Human Services
(28) Mississippi Department of Human Services
(29) Mississippi Division of Medicaid
(30) Missouri Department of Social Services
(31) Montana Department of Social and Rehabilitation Services
(32) Nebraska Department of Social Services
(33) Nevada State Welfare Division
(34) New Hampshire Division of Human Services
(35) New Jersey Department of Human Services
(36) New Mexico Human Services Department
(37) New York Department of Social Services
(38) North Carolina Department of Human Resources
(39) North Dakota Department of Human Services
(40) Ohio Department of Human Services
(41) Oklahoma Department of Human Services
(42) Oregon Department of Human Resources
(43) Pennsylvania Department of Public Aid
(44) Puerto Rico Department of Social Services
(45) Puerto Rico Department of Health
(46) Rhode Island Department of Human Services
(47) South Carolina Department of Social Services
(48) South Dakota Department of Social Services
(49) Tennessee Department of Human Services
(50) Texas Department of Human Services
(51) Utah Department of Social Services
(52) Vermont Agency for Human Services
(53) Virgin Islands Department of Human Services
(54) Virgin Islands Bureau of Health Insurance and Medical Assistance
(55) Virginia Department of Social Services
(56) Washington Department of Social and Health Services
(57) West Virginia Department of Human Services
(58) Wisconsin Department of Health and Social Services
(59) Wyoming Department Family Services

Matches Conducted Pursuant to IRC 6103(m)(2)

The Service may, upon written request, disclose the mailing address of a taxpayer for use by officers, employees, or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with sections 3711, 3717, and 3718 of Title 31 of the United States Code. This section also provides for the redisclosure of a taxpayer's mailing address to a consumer reporting agency, but only to allow for the preparation of a commercial credit report on the taxpayer for use by the requesting Federal agency in accordance with the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982.

The IRS information provided is extracted weekly from the Individual Master File (IMF) (Treas./IRS System 24.030).

Federal agencies participating in (m)(2) matches and the Privacy Act systems of records involved, are:

(1) U.S. Army Community and Family Support Center (Nonappropriated Fund Accounts Receivable System (A0215–16SAFM));

(2) Defense Finance & Accounting Service, Indianapolis Center (A0037–104–1bSAFM Debt Management System);

(3) Equal Employment Opportunity Commission (Claim Collection Record (EEOC–10));

(4) Health Resources & Services Administration (Loan Repayment/Debt Management Records System (HHS/HRSA/OA 09–15–0045));

(5) Department of Housing & Urban Development (Accounting Records (HUD/DEPT–2));

(6) Defense Finance and Accounting Service, Kansas City Center (Debt Management and Collection System (N07430–1));

(7) National Institute of Health (IRS Address Request System (116841));

(8) Defense Finance and Accounting Service, Cleveland Center (Debt Management and Collection System (N07430–1));

(9) Navy Exchange Services Command (Bad Check and Indebtedness List (N04066–1));

(10) Railroad Retirement Board (Railroad Unemployment and Sickness Insurance Benefit System (RRB–21); Railroad Retirement, Survivor and Pensioner Benefit System (RRB–22); and Uncollectible Benefit Overpayment Accounts (RRB–42));

(11) Social Security Administration (Supplemental Security Income Record (HHS/SSA/OSR 09–60–0103); and Master Beneficiary Record (HHS/SSA/OSR 09.60.0090));

(12) Department of Education (Guaranteed Student Loan Program Pre-Claims Assistance System (ED 18–40–0031); Financial Management Information System (18–40–0033); Payroll, Attendance and Leave Records (18–11–0008); National Defense Student Loan File System (18–40–0025); and Guaranteed Student Loan Paid Claim Files System (18–40–0026));

(13) Department of Health & Human Services (Administrative Claims System (HHS/OS/OGC 09–90–0062)); and

(14) Department of Veterans Affairs (Compensation, Pension, Education and Rehabilitation Records (58VA21/22/28) and Loan Guarantee Home, Condominium and Manufactured Home Loan Applicant Records, Specially Adapted Housing Applicant Records, and Vendee Loan Applicant Records (55VA26));

Matches Conducted Pursuant to IRC 6103(m)(4)

Upon written request from the Secretary of Education, the Service may disclose the mailing address of any taxpayer who has defaulted on certain loans extended under the Higher Education Act or Migration and Refugee Assistance Act for purposes of locating such taxpayer to collect the loan. This section further provides for the redisclosure by the Secretary of Education of a taxpayer's mailing address to any lender, or any State or nonprofit guarantee agency, participating under the Higher Education Act, or any educational institution with which the Secretary of Education has an agreement under that Act.

Redisclosure is made by the Secretary of Education for use only by officers, employees, or agents of such lender, guarantee agency, or institution whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under such loan programs for purposes of collecting such loans.

The IRS information provided is extracted from the IMF (Treas./IRS System 24.030). The U.S. Department of Education matches the Guaranteed Student Loan Program Pre-Claims Assistance System (ED 18–40–0031) with the IMF.

Matches Conducted Pursuant to IRC 6103(m)(5)

Upon written request from the Secretary of Health and Human Services (HHS), the Service may disclose the mailing address of any taxpayer who has defaulted on certain loans extended under the Public Health Service Act for purposes of locating such taxpayer to collect the loan. This section also provides for the redisclosure by the Secretary of HHS of a taxpayer's mailing address to any school with which the Secretary has an agreement under the Public Health Service Act, or any eligible lender participating under such Act.

Redisclosure is made by the Secretary of HHS for use only by officers, employees, or agents of such school or eligible lender whose duties relate to the collection of student loans for purposes of locating individuals who have defaulted on student loans made under the Public Health Service Act for the purposes of collecting such loans.

The IRS information provided is extracted from the IMF (Treas./IRS System 24.030). The Department of Health and Human Services matches the Public Health Service and National Health Service Corps Provider Records System (HHS/HRSA/BHCDA 09–15–0037) with the IMF.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Dated: April 14, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

[FR Doc. 95–10049 Filed 4–21–95; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Persian Gulf Expert Scientific Committee; Meeting

The Department of Veterans Affairs, (VA), in accordance with Pub. L. 92–463, gives notice that meetings of the VA Persian Gulf Expert Scientific Committee will be held on: Monday, June 26, 1995, at 9:00 a.m.–5:00 p.m., Tuesday June 27, 1995, at 8:30 a.m.–12:01 p.m. The location of the meeting will be 801 I Street, NW., Washington, DC, room 1105.

The Committee's objectives are to advise the Under Secretary for Health about medical findings affecting Persian Gulf era veterans.

At this meeting the Committee will review all aspects of patient care and medical diagnoses and will provide professional consultation as needed. The Committee may advise on other areas involving research and development, veterans benefits and/or training aspects for patients and staff.

All portions of the meeting will be open to the public except from 4:00 p.m. until 5:00 p.m. on June 26, 1995, and 11:00 a.m. until 12:01 p.m. on June 27, 1995. During these executive sessions discussions and recommendations will deal with medical records of specific patients and individually identifiable patient medical histories. The disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. Closure of these portions of the meetings is in accordance with subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, and as cited in 5 U.S.C. 552b(c)(6).

Additional information concerning these meetings may be obtained from the Chairperson, Office of Public Health & Environmental Hazards, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: April 14, 1995.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 95–9987 Filed 4–21–95; 8:45 am]

BILLING CODE 8320–01–M

Advisory Committee on Women Veterans; Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Women Veterans will be held June 27–28, 1995, in Washington, DC. The purpose of the Advisory Committee on Women veterans is to advise the Secretary regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Department of Veterans Affairs, and the activities of the Department of Veterans Affairs designed to meet such needs. The Committee will make recommendations to the Secretary regarding such activities.

The sessions will convene on June 27, 9:00 a.m. to 4:30 p.m.; and on June 28, 9:00 a.m. to 12 noon in room 230, VA Central Office Building, 810 Vermont Avenue, NW., Washington, DC. All sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Ms. Maryanne Carson, Department of Veterans Affairs (phone 202/273–5078) prior to June 8, 1995.

Dated: April 14, 1995.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 95–9989 Filed 4–21–95; 8:45 am]

BILLING CODE 8320–01–M

Privacy Act of 1974, Amendment of System of Records, Compensation, Pension, Education and Rehabilitation Records–VA (58VA21/22)

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is considering adding two new routine uses to, and amending the storage policies for the records in, the system of records entitled Compensation, Pension, Education and Rehabilitation Records—VA (58VA21/22) published at 41 FR 9294 (03/03/76), and amended at 43 FR 3984 (01/30/78), 43 FR 15026 (04/10/78), 43 FR 23797 (06/01/78), 45 FR 57641 (08/28/80), 45 FR 77220 (11/21/80), 47 FR 367 (01/05/82), 47 FR 16132 (04/14/482), 47 FR 4072 (09/15/82), 48 FR 1384 (01/12/83), 48 FR 15994 (04/13/83), 48 FR 39197 (08/29/83), 48 FR 52798 (11/22/83), 49 FR 23974 (06/08/84), 49 FR 36046 (09/13/84), 50 FR 10886 (03/18/85), 50 FR 31453 (06/28/85), 50 FR 31453 (08/02/85), 51 FR 24781 (07/08/86), 51 FR 25141 (07/10/86), 51 FR 28289 (08/06/86), 51 FR 36894 (10/16/86), 52 FR 4078 (02/09/87), 54 FR 36933 (09/05/89), 55 FR 28508 (07/11/90), 55 FR 42540 (10/19/90), 56 FR 15667 (04/17/91), 56 FR 16354 (04/22/91), 57 FR 12374 (04/09/92), 57 FR 44007 (09/23/92), 58 FR 38164 (07/15/93) and 58 FR 54643 (10/22/93).

VA has published a notice of final rulemaking (59 FR 47082 (September 14, 1994)) amending its regulations to add sections 38 CFR 14.640 through 14.643 to provide for expanded remote access to computerized claims records by individuals approved by the Department to represent claimants before VA in the preparation, presentation, and prosecution of claims for veterans' benefits.

Those regulations provide that VA would disclose information concerning how these representatives use their access privileges in two circumstances for which routine uses do not currently exist. First, if VA is considering whether to revoke the individual representative's access privileges generally, VA will then notify the representative's employer.

Second, if the representative is licensed by a governmental entity, such as a state bar association, VA will report the conduct of the representative to that entity after revocation of access privileges if VA concludes that the conduct which was the basis for revocation of access privileges merits reporting.

These two routine uses would add provisions to allow the release of information concerning the conduct of individual representatives in both these cases.

VA has determined that release of information under the circumstances described above is a necessary and proper use of information in this system of records and that a specific routine use for transfer of this information is appropriate.

VA is also amending the storage policies and practices for the records in this system of records to reflect the policies and practices applicable to claimants' representatives and attorneys who are granted access to automated claimant's record.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amended routine use statements to the Director, Office of Regulations Management(02), 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before May 24, 1995, will be considered. All written comments received will be available for public inspection at the Office of Regulations Management, room 1176, 801 I Street, NW., Washington, DC 20001 only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays) until June 5, 1995.

If no public comment is received during the 30 day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Department of Veterans Affairs, the amendments to 58VA21/22 included herein are effective May 24, 1995.

Approved: April 10, 1995.

Jesse Brown,

Secetary of Veterans Affairs.

Notice of Amendment to System of Records

The system of records identified as 58 VA 21/22, ''Compensation, Pension, Education and Rehabilitation records—VA'' published at 41 FR 9294 (03/03/76) and amended at 43 FR 3984 (01/30/78), 43 FR 15026 (04/10/78), 43 FR 23797 (06/01/78), 45 FR 57641 (08/28/80), 45 FR 77220 (11/21/80), 47 FR 367 (01/05/82), 47 FR 16132 (04/14/82), 47 FR 40742 (09/15/82), 48 FR 1384 (01/12/83), 48 FR 15994 (04/13/83), 48 FR 39197 (08/29/83), 48 FR 52798 (11/22/83), 49 FR 23974 (06/08/84), 49 FR 36046 (09/13/84), 50 FR 10886 (03/18/85), 50 FR 31453 (06/28/85), 50 FR 31453 (08/02/85), 51 FR 24781 (07/08/86), 51 FR 25141 (07/10/86), 51 FR 28289 (08/06/86), 51 FR 36894 (10/16/86), 52 FR 4078 (02/09/87), 54 FR 36933 (09/05/89), 55 FR 28508 (07/11/90), 55 FR 42540 (10/19/90), 56 FR 15667 (04/17/91), 56 FR 16354 (04/22/91), 57 FR 12374 (04/09/92), 57 FR 44007 (09/23/92), 58 FR 38164 (07/15/93) and 58 FR 54643 (10/22/93), is amended by adding the following:

58 VA 21/22

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records—VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THEIR PURPOSES OF SUCH USES:

* * * * *

59. The name and address of a prospective, present, or former accredited representative, claims agent or attorney and any information concerning such individual which is

relevant to a refusal to grant access privileges to automated veterans claims records, or a potential or past suspension or termination of such access privileges may be disclosed to the entity employing the individual to represent veterans on claims for veterans benefits.

60. The name and address of a former accredited representative, claim agent or attorney, and any information concerning such individual, except a veteran's name and home address, which is relevant to a revocation of such access privileges may be disclosed to an appropriate governmental licensing organization where VA determines that the individual's conduct which resulted in revocation merits reporting.

* * * * *

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records (or information contained in records) are maintained on paper documents in claims file folders (e.g., ''C'' file folders, educational file folders and vocational rehabilitation folders) and on automated storage media (e.g., microfilm, microfiche, magnetic tape and disks). Such information may be accessed through a data telecommunication terminal system designated the Benefits Delivery Network (BDN). BDN terminal locations include VA Central Office, regional offices, some VA health care facilities, Department of Defense Finance and Accounting Service Centers and the U.S. Coast Guard Pay and Personnel Center.

Remote on-line access is also made available to authorized representatives of claimants and to attorneys of record for claimants. A VA claimant must execute a prior written consent or a power of attorney authorizing access to his or her claims records before VA will allow the representative or attorney to have access to the claimant's automated claims records. Access by representatives and attorneys of record is to be used solely for the purpose of assisting an individual claimant whose records are accessed in a claim for benefits administered by VA.

Information relating to receivable accounts owed to VA, designated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape, microfiche and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

* * * * *

RETREIVABILITY:

The proposed change should have no effect upon the current RETREIVABILITY policies or practices.

* * * * *

SAFEGUARDS:

1. *Physical Security:* (a) Access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel. Employee claims file records and claims file records of public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis.

(b) Access to BDN data telecommunications network is by authorization controlled by the site security officer who is responsible for authorizing access to the BDN by a claimant's representative or attorney approved for access in accordance with VA regulations. The site security officer is responsible for ensuring that the hardware, software and security practices of a representative or attorney satisfy VA security requirements before granting access. The security requirements applicable to access to automated claims files by VA employees also apply to access to automated claims files by claimants' representatives or attorneys. The security officer is assigned responsibility for privacy-security measures, especially for review of violation logs, information logs and control of password distribution, including password distribution for claimants' representatives.

(c) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons provided access to computer rooms are escorted.

(d) Employee production records are identified by the confidential BDN access number, not name, and are protected by management/supervisory personnel from unauthorized disclosure in the same manner as other confidential records maintained by supervisors.

2. *BDN System Security:* (a) Usage of the BDN system is protected by the usage of ''logan'' identification passwords and authorized function passwords. The passwords are changed periodically. These same protections apply to remote access users.

(b) At the data processing centers, identification of magnetic tapes and disks containing data is rigidly enforced using labeling techniques. Automated storage media which are not in use are stored in tape libraries which are secured in locked rooms. Access to programs is controlled at three levels: Programming, auditing and operations. Access to the data processing centers where HUD maintains CAIVRS is generally restricted to center employees and authorized subcontractors. Access to computer rooms is restricted to center employees and authorized operational personnel through electronic locking devices. All other persons granted access to computer rooms are escorted.

Files in CAIVRS use social security numbers as identifiers. Access to information files is restricted to authorized employees of participating agencies and authorized employees of lenders who participate in the agencies' programs. Access is controlled by agency distribution of passwords. Information in the system may be accessed by use of a touch-tone telephone by authorized agency and lender employees on a ''need-to-know'' basis.

* * * * *

Report of Intention to Alter Federal Notice of System of Records for ''Compensation, Pension, Education and Rehabilitation Records—VA'' 58 VA 21/22

Purpose

Amending this system of records will allow VA to use information maintained by this system of records to be used to revoke the access of claimant's representatives to the system of records for violation of the provisions of 38 CFR 14.640 through 14.643.

Authority

Regulations 38 CFR 14.640 through 14.643.

Probable or Potential Effect on the Privacy of Individuals

These changes should have minimal effect on the privacy rights of individuals. They will permit VA to use information contained in this system of records to revoke access to this system to representatives of claimants who violate the provisions of regulations 38 CFR 14.640 through 14.643.

Steps Taken to Minimize Risks

VA will safeguard individual records as required by the Privacy Act of 1974. Access to working areas and claims

folder storage areas in VA regional offices is restricted to VA employees on a need to know basis. Files are locked afternormal duty hours and the offices are protected from outside access by the Federal Protective Service or other security personnel. Access to automated VA records by VA employees and authorized representatives of claimants requires clearance by the site security officer, whose responsibilities include control of password distribution.

Satisfaction of Compatibility Requirements of Subsection (a)(7) of the Privacy Act

These routine uses will permit VA to disclose information from the BDN system to service organizations whenever VA contemplates revocation of a representative's access privileges. These are necessary to protect the integrity of the BDN system.

[FR Doc. 95–9988 Filed 4–21–95; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 78

Monday, April 24, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, May 1, 1995, and at 8:30 a.m. on Tuesday, May 2, 1995, in New York, New York.

The May 1 meeting is closed to the public. (See 60 FR 19624, April 19, 1995). The May 2 meeting is open to the public and will be held at The Hotel Inter-Continental, 111 East 48th Street, in the Whitney Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268–4800.

Agenda

Monday Session

May 1–1:00 p.m. (Closed)

1. Consideration of a Filing with the Postal Rate Commission for an Experimental Category of Automatable, Prebarcoded First-Class and Priority Parcels Under Commission Rule 67. (Cathy Rogerson, Manager, New Business Opportunities)

Tuesday Session

May 2–8:30 a.m. (Open)

1. Minutes of the Previous Meeting, April 3–4, 1995.
2. Remarks of the Postmaster General/Chief Executive Officer. (Marvin Runyon.)
3. Capital Investments.
   a. South River, New Jersey, Material Distribution Center. (Informational Briefing, Darrah Porter, Vice President, Purchasing)
   b. Santa Barbara, California, Processing & Distribution Center. (Final Decision, Gene R. Howard, Vice President, Pacific Area Operations; and Rudolph K. Umscheid, Vice President, Facilities)
4. Quarterly Report on Service Performance. (Jeffrey P. Kaneff, Manager, External Measurement Systems.)
5. Quarterly Report on Financial Performance. (Michael J. Riley, Chief Financial Officer and Senior Vice President, Finance.)
6. Report on the New York Metro Area and the Apartment Readdressing Program. (John F. Kelly, Vice President, New York Metro Area Operations.)
7. Tentative Agenda for the June 5–6, 1995, meeting in Austin, Texas.

David F. Harris,

Secretary.

[FR Doc. 95–10137 Filed 4–20–95; 2:21 pm]

BILLING CODE 7710–12–M

U.S. RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on April 27, 1995, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Request for Transfer of Funds—Replacement of Xerox 9790 Non-Impact Printer—Bureau of Data Processing

(2) Legislation—104th Congress

(3) Personal Papers of Executive Branch Officials

(4) Description of the Board for the Administrative Circular on Agency Organization

(5) Regulations:

B. Part 255, Recovery of Overpayments

C. Part 366 and 367, Collection of Debts

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: April 18, 1995.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95–10136 Filed 4–20–95; 2:21 pm]

BILLING CODE 7905–01–M

federal register

Monday
April 24, 1995

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 310

Exocrine Pancreatic Insufficiency Drug Products for Over-The-Counter Human Use; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 79N–0379]

RIN 0905–AA06

Exocrine Pancreatic Insufficiency Drug Products for Over-The-Counter Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing that over-the-counter (OTC) exocrine pancreatic insufficiency drug products (drug products used to treat pancreatic enzyme deficiency) are not generally recognized as safe and effective and are misbranded. FDA is issuing this final rule after considering public comments on the agency's notice of proposed rulemaking and all new information on OTC exocrine pancreatic insufficiency drug products that has come to the agency's attention. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: October 24, 1995.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5000.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 21, 1979 (44 FR 75666), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC exocrine pancreatic insufficiency drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products (the Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by April 21, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by May 21, 1980.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were placed on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, after deletion of a small amount of trade secret information. Only five comments were submitted in response to the publication of the advance notice of proposed rulemaking.

The agency's proposed regulation, in the form of a tentative final monograph, for OTC exocrine pancreatic insufficiency drug products was published in the **Federal Register** of November 8, 1985 (50 FR 46594). That proposal constituted FDA's tentative adoption of the Panel's conclusions and recommendations on OTC exocrine pancreatic insufficiency drug products as modified on the basis of the comments received and the agency's independent evaluation of the Panel's report and information available at that time. In that document, the agency accepted the Panel's recommendation that exocrine pancreatic insufficiency drug products be available as OTC drug products and proposed the conditions under which these drug products would be generally recognized as safe and effective and not misbranded. Interested persons were invited to file by January 7, 1986, written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs (the Commissioner) regarding the proposal, and by March 10, 1986, to file comments on the agency's economic impact determination. New data could have been submitted until November 10, 1986, and comments on the new data until January 8, 1987.

New information submitted in response to the tentative final monograph caused the agency to reconsider the approach proposed in that document. In vivo and in vitro studies of various commercial pancreatic enzyme preparations had demonstrated variations in lipase activity and release rates among the products. These variations in pancreatic extract drug products occurred both among various dosage forms and among products from different manufacturers of the same dosage form. In addition, problems had been reported with pancreatic extract products manufactured as tablets with enteric coatings and as encapsulated enteric-coated microspheres. As a result of the wide range of enzyme activity in these products, the variety of dosage forms marketed, and the apparent uneven quality of the enteric coatings among pancreatic extract drug products, instances of underdosing and overdosing with pancreatic extract products have occurred. The agency determined that preclearance of each product in order to standardize enzyme bioactivity was necessary to avoid serious safety problems resulting from too little or too much enzyme supplementation. The agency tentatively concluded that an OTC drug monograph would not be sufficient to adequately regulate these drug products. The agency discussed these problems in the **Federal Register** of July 15, 1991 (56 FR 32282 at 32286 and 32287).

In that notice, FDA proposed to classify OTC drug products to treat exocrine pancreatic insufficiency as not generally recognized as safe and effective, as being misbranded, and as new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)). FDA proposed to amend part 310, subpart E by adding new § 310.543 (21 CFR 310.543) for OTC exocrine pancreatic insufficiency drug products. The agency also withdrew its proposed rule (part 357, subpart E) issued on November 8, 1985. Interested persons were invited to file by November 12, 1991, written comments, objections, or requests for oral hearing on the proposed regulation before the Commissioner, and to file comments on the agency's economic impact determination by November 12, 1991. Final agency action occurs with the publication of this final rule on OTC exocrine pancreatic insufficiency drug products.

In the **Federal Register** of March 11, 1992 (57 FR 8586), the agency reopened the administrative record and announced that a workshop would be held on April 23, 1992, to discuss testing procedures that will be required as part of new drug applications (NDA's) for all exocrine pancreatic insufficiency drug products. Relevant data and notice of participation were to be submitted by April 10, 1992. The administrative record remained open until July 23, 1992, to receive comments regarding matters raised at the workshop.

In response to the announcement of the workshop, eight notices of participation and three comments were submitted. Copies of the comments, notices received, and information coming to the agency's attention after the workshop are also on public display in the Dockets Management Branch (address above). At the conclusion of the workshop, manufacturers were encouraged to arrange pre-NDA meetings with agency personnel so that NDA submissions could proceed as quickly as possible (Ref. 1).

This final rule amends part 310 to include drug products containing ingredients for the treatment of exocrine pancreatic insufficiency by adding new

§ 310.543 to subpart E. The inclusion of OTC exocrine pancreatic insufficiency drug products in part 310 follows FDA's established policy for regulations in which there are no monograph conditions. (See, e.g., §§ 310.510, 310.519, 310.525, 310.526, 310.532, 310.533, 310.534, and 310.546.) It is the agency's intent that exocrine pancreatic insufficiency drug products be marketed by prescription only. However, if, in the future, any ingredient is determined to be generally recognized as safe and effective for use in an OTC exocrine pancreatic insufficiency drug product, the agency will promulgate an appropriate regulation at that time.

FDA no longer uses the terms ''Category I'' (generally recognized as safe and effective and not misbranded), ''Category II'' (not generally recognized as safe and effective or misbranded), and ''Category III'' (available data are insufficient to classify as safe and effective, and further testing is required) at the final rule stage. In place of Category I, the term ''monograph conditions'' is used; in place of Category II or III, the term ''nonmonograph conditions'' is used.

In the proposed rule for OTC exocrine pancreatic insufficiency drug products (56 FR 32282 at 32283), the agency advised that the final rule for these drug products would be effective 6 months after the date of its publication in the **Federal Register**. Therefore, on or after October 24, 1995, no OTC drug products that are subject to this final rule may be initially introduced or initially delivered for introduction into interstate commerce unless they are the subject of an approved application. The agency is unaware of any OTC exocrine pancreatic insufficiency drug products that are the subject of an approved application. Any such drug product in interstate commerce after the effective date of this final rule that is not in compliance with the regulation is subject to regulatory action.

In response to the proposed rule on OTC exocrine pancreatic insufficiency drug products, five drug manufacturers, one foundation, and three individuals submitted comments. Copies of the comments received and any additional information that has come to the agency's attention since publication of the proposed rule are on public display in the Dockets Management Branch (address above).

Reference

(1) Comment No. MM1, Docket No. 79N–0379, Dockets Management Branch.

II. The Agency's Conclusions on the Comments

1. Six comments (including the Cystic Fibrosis Foundation and the American Academy of Pediatrics) agreed with the agency's proposal that exocrine pancreatic insufficiency drug products should not be marketed OTC. Three comments opposed the proposal. Two of those comments stated that increased costs to consumers would include a physician's fee and a higher markup when sold by prescription. The third comment indicated that these products are currently reasonably priced as nonprescription drugs.

The agency appreciates the support of the six agreeing comments and is finalizing its proposal that all exocrine pancreatic insufficiency drug products should be available only by a doctor's prescription. The agency stated in the proposed rule that continuous physician monitoring of patients appears to be one of several important factors in the increased survival rates for exocrine pancreatic insufficiency patients (56 FR 32282 at 32285). Accordingly, such collateral measures necessary to the use of these drug products require that they be available by prescription only, as required by section 503(b)(1)(B) of the act (21 U.S.C. 353(b)(1)(B)). The agency acknowledges the cost concerns raised by the three opposing comments. However, as stated in the proposed rule (56 FR 32282 at 32285), financial considerations are not among the statutory criteria for determining whether a drug product should be restricted to prescription status.

2. Two comments disagreed with the agency's proposal that NDA approval be required for continued marketing of all exocrine pancreatic insufficiency drug products. One comment stated that the proposal is inconsistent with the Panel's and the agency's previous conclusion that these products have been safely used to treat exocrine pancreatic insufficiency for many years (50 FR 46594 at 46597). The comment contended that the July 15, 1991, proposal did not contain any new evidence showing that the initial conclusion was erroneous. The comment stated that the agency's concerns are based on a perceived inability of patients to treat themselves and mentioned that this problem could be remedied by requiring these products to be available by prescription, without the need for an NDA for continued safe and effective use. The comment contended that an NDA requirement would have a devastating effect on patients who require these products for survival, e.g., cystic fibrosis patients. The comment surmised that most manufacturers would withdraw their exocrine pancreatic insufficiency drug products from the market if an NDA were required, primarily because of NDA-associated costs. The comment added that manufacturers would wait until another manufacturer's application was approved so they could submit an abbreviated NDA. A third comment made a number of suggestions for the bioactivity testing requirements, urged that certain products that had been extensively used and studied be granted approval on the basis of published reports and in vitro data, and contended that placebo-controlled safety and effectiveness studies in cystic fibrosis patients are unethical.

The agency disagrees with the first two comments. The agency's position on exocrine pancreatic insufficiency drug products changed between 1985 and 1991. Based on variations in formulations and dosage forms, e.g., encapsulated microsphere dosage forms, in use in 1991, the agency determined that final formulation effectiveness testing and information on the product's formulation, manufacture, and quality control procedures are necessary to ensure that a company has the ability to manufacture a proper, bioactive formulation (56 FR 32282 at 32283). Because there are no approved NDA's for any exocrine pancreatic insufficiency drug products, the agency has no information on the bioactivity of these products. The agency notes that even if all products were available only by prescription, variances in bioactivity of final formulations could pose safety concerns. Additional information (which an NDA would contain) is needed to assure safe and effective use of these products. Bioactivity must be shown to correlate with the stated potency of each proposed product, particularly for newer formulations that include microspheres and high potency levels of the pancreatic enzymes.

The agency is not persuaded by the comment's suggestion that manufacturers would not submit applications for pancreatic enzyme products and would wait until abbreviated NDA's were possible. The agency acknowledges that a number of manufacturers are currently seeking NDA approval for their currently marketed exocrine pancreatic insufficiency drug products.

The agency has received a number of reports of occurrences of stricture of the colon in cystic fibrosis patients who had taken higher potency pancreatic enzymes in delayed release microtablets and microspheres for varying numbers of months prior to corrective surgery

(Refs. 1 through 8). The agency is concerned that there may be a relationship between the use of these formulations and stricture of the colon. The agency needs to evaluate manufacturing information for these formulations, which would be included in an NDA.

The third comment's suggested bioactivity testing requirements, support for approval of certain products, and opposition to placebo-controlled studies are outside the scope of this document. The agency notes, however, that it is widely believed that demonstration of the fat digestive actions of various preparations can be done in ethical human studies. Inquiries relating to these subjects should be directed to the Division of Gastrointestinal and Coagulation Drug Products (HFD–180), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–0479.

References

(1) Cystic Fibrosis Foundation Results of a Survey of 114 Cystic Fibrosis Care Centers in United States, Patient Registry 1992 Annual Data Report, Bethesda, MD, October 1993, in OTC Vol. 17BFR, Docket No. 79N–0379, Dockets Management Branch.

(2) Smyth, R. L. et al., ''Strictures of Ascending Colon in Cystic Fibrosis and High-Strength Pancreatic Enzymes,'' Lancet, 343:85–86, 1994.

(3) Oades, P. J. et al., ''Letter to the Editor,'' Lancet, 343:109, 1994.

(4) Campbell, C. A., J. Forrest, and C. Musgrove, ''Letter to the Editor,'' Lancet, 343:109, 1994.

(5) Briars, G. L. et al., ''Letter to the Editor,'' Lancet, 343:600, 1994.

(6) Mahony, M. J., and M. Corcoran, ''Letter to the Editor,'' Lancet, 343:599–600, 1994.

(7) Knabe, N. et al., ''Letter to the Editor,'' Lancet, 343:1230, 1994.

(8) Taylor, C. J., ''Colonic Strictures in Cystic Fibrosis,'' Lancet, 343:615–616, 1994.

3. As an alternative to the NDA process, one comment recommended that a uniform convention be developed for labeling exocrine pancreatic insufficiency drug products to clearly describe product potency. The comment urged that labels include the expiration date and rate of loss of potency, and indicate that proprietary agents are not generally equivalent.

The agency disagrees with the comment's alternative to the NDA process. Uniform labeling to describe product potency is important; however, that alone will not ensure safety and effectiveness of these products. The comment's labeling suggestions will be considered, based on data considered in applications, as NDA's for these products are approved. These issues are outside of the scope of this rulemaking.

4. One comment urged the agency not to issue a final rule for OTC exocrine pancreatic insufficiency drug products until NDA's for these products have been approved. Alternatively, the comment asked that the agency withdraw its proposal and request that NDA's be submitted for exocrine pancreatic insufficiency drug products. The comment contended that the latter action would be similar to the agency's action in 1978 regarding potassium iodide. The comment stated that either approach would guarantee the availability of these products to patients who are benefitting from them.

The agency disagrees with both of the comment's suggestions. In the **Federal Register** of December 15, 1978 (43 FR 58798), the agency published a notice requesting submission of NDA's for potassium iodide in oral dosage forms for use as a thyroid-blocking agent in a radiation emergency. The Commissioner concluded that potassium iodide was safe and effective under certain specified conditions of use. However, the Commissioner did not conclude that potassium iodide was generally recognized as safe and effective (43 FR 58798 at 58799). Therefore, potassium iodide was regarded as a new drug requiring an approved NDA as a condition of marketing.

Exocrine pancreatic insufficiency drug products are a similar situation. These products are safe and effective under specified conditions of use, but their bioactivity raises both safety and effectiveness concerns that require agency preclearance under NDA's. The agency sees no reason to withdraw its proposal because the final rule resulting from that proposal requires that an NDA be submitted for any exocrine pancreatic insufficiency drug product marketed OTC. Manufacturers have known since 1991 that an approved NDA would be needed for continued marketing of their product(s) on an OTC basis. While this final rule affects availability of these products when marketed OTC, it does not affect products marketed on a prescription basis. The agency intends that exocrine pancreatic insufficiency drug products marketed by prescription also have an approved NDA. All manufacturers of prescription exocrine pancreatic insufficiency drug products will need to have an NDA for their product(s). The agency will address this subject further in a future issue of the **Federal Register**.

III. The Agency's Final Conclusions on OTC Exocrine Pancreatic Insufficiency Drug Products

A number of pancreatic enzyme drug products are currently marketed OTC, and other products are marketed by prescription. Some of the prescription products are encapsulated enteric coated microsphere dosage forms. None of these pancreatic enzyme drug products have approved applications, i.e, none have been precleared for marketing by FDA. Some products are produced by different manufacturers and contain the same active ingredient(s); however, these products have shown significant differences in bioavailability. The agency finds that these differences raise a potential for serious risk to patients using these products.

Based on all available evidence, the agency has determined that the bioavailability of pancreatic enzymes is dependent on the process used to manufacture the drug products. Information on this process is not addressed by an OTC drug monograph. Therefore, the agency has determined that the safe and effective use of these enzymes for treating exocrine pancreatic insufficiency cannot be regulated adequately by an OTC drug monograph. In this final rule, the agency is declaring that all exocrine pancreatic insufficiency drug products (whether currently marketed on an OTC or prescription basis) are new drugs for which approved applications will be required for marketing.

In the **Federal Register** of November 7, 1990 (55 FR 46914), the agency published a final rule in part 310 establishing that certain active ingredients that had been under consideration in a number of OTC drug rulemaking proceedings were not generally recognized as safe and effective. That final rule was effective on May 7, 1991, and included in § 310.545(a)(9) the ingredient hemicellulase, which had been previously considered under this rulemaking for OTC exocrine pancreatic insufficiency drug products. In order to avoid duplication in listing OTC exocrine pancreatic insufficiency active ingredients in more than one regulation, and for ease in locating these ingredients in the Code of Federal Regulations, the agency is listing all of these ingredients in a single regulation in new § 310.543 entitled ''Drug products containing active ingredients offered over-the-counter (OTC) for human use in exocrine pancreatic insufficiency.'' Accordingly, the ingredient hemicellulase, currently listed in § 310.545(a)(9) is now being listed in § 310.543(d), and § 310.545(a)(9) is being removed and reserved. The ingredients pancreatin and pancrelipase, covered by this final rule, are being listed in § 310.543(e).

IV. Analysis of Impacts

An analysis of the costs and benefits of this regulation, conducted under Executive Order 12291 was discussed in the proposed rule (56 FR 32282 at 32289). Comments received were discussed in part II of this final rule. Executive Order 12291 has been superseded by Executive Order 12866.

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. This final rule will result in the removal of all drug products containing the ingredients pancreatin and pancrelipase from the OTC marketplace. However, only a limited number of OTC drug products are marketed in this manner and are affected by this final rule. Accordingly, 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.

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, 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 310 is amended as follows:

PART 310—NEW DRUGS

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

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

2. New § 310.543 is added to subpart E to read as follows:

§ 310.543 Drug products containing active ingredients offered over-the-counter (OTC) for human use in exocrine pancreatic insufficiency.

(a) Hemicellulase, pancreatin, and pancrelipase have been present as ingredients in exocrine pancreatic insufficiency drug products. Pancreatin and pancrelipase are composed of enzymes: amylase, trypsin (protease), and lipase. Significant differences have been shown in the bioavailability of marketed exocrine pancreatic insufficiency drug products produced by different manufacturers. These differences raise a potential for serious risk to patients using these drug products. The bioavailability of pancreatic enzymes is dependent on the process used to manufacture the drug products. Information on this process is not included in an OTC drug monograph. Therefore, the safe and effective use of these enzymes for treating exocrine pancreatic insufficiency cannot be regulated adequately by an OTC drug monograph. Information on the product's formulation, manufacture, quality control procedures, and final formulation effectiveness testing are necessary in an approved application to ensure that a company has the ability to manufacture a proper bioactive formulation. In addition, continuous physician monitoring of patients who take these drug products is a collateral measure necessary to the safe and effective use of these enzymes, causing such products to be available by prescription only.

(b) Any drug product that is labeled, represented, or promoted for OTC use in the treatment of exocrine pancreatic insufficiency is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act), for which an approved application under section 505 of the act and part 314 of this chapter is required for marketing. In the absence of an approved application, such product is also misbranded under section 502 of the act.

(c) Clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted for OTC use in the treatment of exocrine pancreatic insufficiency is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs set forth in part 312 of this chapter.

(d) After May 7, 1991, any such OTC drug product that contains hemicellulase initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

(e) After October 24, 1995, any such OTC drug product that contains pancreatin or pancrelipase initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

§ 310.545 [Amended]

3. Section 310.545 *Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses* is amended by removing and reserving paragraph (a)(9), and by revising paragraph (d)(1) to read as follows:

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

(d) * * *

(1) May 7, 1991, for products subject to paragraphs (a)(1) through (a)(4), (a)(6)(i)(A), (a)(6)(ii)(A), (a)(7) (except as covered by paragraph (d)(3) of this section), (a)(8)(i), (a)(10)(i) through (a)(10)(iii), (a)(12)(i) through (a)(12)(iv), and (a)(14) through (a)(18)(i) of this section.

* * * * *

Dated: April 13, 1995.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 95–10078 Filed 4–21–95; 8:45 am]

BILLING CODE 4160–01–F

federal register

Monday
April 24, 1995

Part III

Department of Education

Grants and Cooperative Agreements, etc.: Technology-Related Assistance for Individuals With Disabilities Program; Notices

DEPARTMENT OF EDUCATION

[CFDA No.: 84.224A7]

Office of Special Education and Rehabilitative Services National Institute on Disability and Rehabilitation Research Notice Inviting Application for a New Award Under the Technology-Related Assistance for Individuals With Disabilities Program

Purpose of Program: The purpose of the State grants for technology-related assistance program is to assist States to develop and implement comprehensive statewide systems of consumer-responsive technology-related assistance for individuals with disabilities. NIDRR has conducted prior competitions under this program, and 55 States and territories have received grants. NIDRR is now inviting an application from the remaining territory. In preparing the application, the applicant is advised to respond to the statutory provisions of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, as amended.

Eligible Applicants: Only the entity designated by the Governor of the U.S. Virgin Islands is eligible to apply on behalf of the territory.

Deadline for Transmittal of Applications: June 23, 1995.

Applications Available: April 26, 1995.

Available Funds: $150,000.

Estimated Average Size of Awards: $150,000 per year.

Estimated Number of Awards: 1.

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 81, 82, 85, and 86.

Selection Criteria: In evaluating an application for the grant under this competition, the Secretary uses the selection criteria in 34 CFR 75.210(b). Under 34 CFR 75.210(c), the Secretary is authorized to distribute an additional 15 points among the criteria to bring the total to a maximum of 100 points. For this competition, the Secretary distributes the additional points as follows:

Plan of Operation: (34 CFR 75.210(b)(3)). Fifteen additional points are added to this criterion for a possible of 30 points.

For Further Information Contact: Carol Cohen, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202. Telephone (202) 205–5666. Individuals who use a telecommunication device for the deaf (TDD) may call the TDD number at (202) 732–5079 for TDD services.

For Applications Contact: Dianne Villines, U.S. Department of Education, 600 Independence Avenue SW., Washington, DC 20202. Telephone: (202) 205–9141.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.Gov (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 2211–2271.

Dated: April 17, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–10004 Filed 4–21–95; 8:45 am]

BILLING CODE 4000–01–P

[CFDA No.: 84.224A6]

Office of Special Education and Rehabilitative Services National Institute on Disability and Rehabilitation Research Notice Inviting Applications for a New Award for Technical Assistance Project Under the Technology-Related Assistance for Individuals With Disabilities Program

Purpose of Program: The purpose of the Technology-Related Assistance for Individuals with Disabilities program is to assist States to develop and implement comprehensive statewide systems of consumer-responsive technology-related assistance for individuals with disabilities. NIDRR has conducted prior competitions under this program, and 55 States and territories have received grants. NIDRR is now inviting applications for the purpose of providing information and technical assistance to States. The Secretary shall award one technical assistance project for the purpose of assisting the States as they work toward establishing a statewide comprehensive system of technology related for individuals of all ages. NIDRR has conducted prior contract competitions under this authority and has awarded contracts for the provision of information and technical assistance to the State grantees over the past six years.

Applicants are advised to respond to the requirements of section 106(b)(1)(B) of the Technology-Related Assistance for Individuals with Disabilities Act of 1988, as amended. In meeting the requirements of this section for the provision of technical assistance to States, applicants shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance. The applicant shall provide information on how they shall support a clearinghouse for activities that have been developed and implemented through programs funded under this title, and how they shall provide information and technical assistance to the State grantees that will: (1) Facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection; (2) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities; (3) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; (4) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance; (5) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of assistive technology devices and assistive technology services; (6) provide technical assistance and training to the entities carrying out activities funded pursuant to this title, to establish or participate in electronic communication activities with other States; and (7) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

Eligible Applicants: Public or private agencies and organizations including institutions of higher education with documented experience, expertise and capacity in assistive technology service delivery, interagency coordination, and systems change and advocacy activities are eligible to apply.

Deadline for Transmittal of Applications: June 23, 1995.

Applications Available: April 26, 1995.

Available Funds: $750,000.

Estimated Average Size of Awards: $750,000 per year.

Estimated Number of Awards: 1.

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

Project Period: Up to 48 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 81, 82, 85, and 86.

Selection Criteria: In evaluating applications for the grant under this competition, the Secretary uses the selection criteria in 34 CFR 75.210(b). Under 34 CFR 75.210(c), the Secretary is authorized to distribute an additional 15 points among the criteria to bring the total to a maximum of 100 points. For this competition, the Secretary distributes the additional points as follows:

Plan of Operation: (34 CFR 75.210(b)(3)). Fifteen additional points are added to this criterion for a possible of 30 points.

For Further Information Contact: Carol Cohen, U.S. Department of Education, 600 Independence Avenue SW., Washington, DC 20202. Telephone (202) 205–5666. Individuals who use a telecommunication device for the deaf (TDD) may call the TDD number at (202) 732–5079.

For Applications Contact: Dianne Villines, U.S. Department of Education, 600 Independence Avenue SW., Washington, DC 20202. Telephone: (202) 205–9141.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.Gov (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 29 U.S.C. 2211–2271.

Dated: April 17, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–10005 Filed 4–21–95; 8:45 am]

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1200–End, 6 (6 Reserved)	(869–022–00006–3)	23.00	Jan. 1, 1994
7 Parts:			
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8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–022–00027–6)	29.00	Jan. 1, 1994
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
300–499	(869–022–00038–1)	22.00	Jan. 1, 1994
*500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
*60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–022–00047–1)	15.00	Jan. 1, 1994
300–799	(869–022–00048–9)	26.00	Jan. 1, 1994
800–End	(869–026–00049–2)	21.00	Jan. 1, 1995
16 Parts:			
0–149	(869–026–00050–6)	7.00	Jan. 1, 1995
150–999	(869–022–00051–9)	18.00	Jan. 1, 1994
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
1–199	(869–022–00054–3)	20.00	Apr. 1, 1994
200–239	(869–022–00055–1)	23.00	Apr. 1, 1994
240–End	(869–022–00056–0)	30.00	Apr. 1, 1994
18 Parts:			
1–149	(869–022–00057–8)	16.00	Apr. 1, 1994
150–279	(869–022–00058–6)	19.00	Apr. 1, 1994
280–399	(869–022–00059–4)	13.00	Apr. 1, 1994
400–End	(869–022–00060–8)	11.00	Apr. 1, 1994
19 Parts:			
1–199	(869–022–00061–6)	39.00	Apr. 1, 1994
200–End	(869–022–00062–4)	12.00	Apr. 1, 1994
20 Parts:			
1–399	(869–022–00063–2)	20.00	Apr. 1, 1994
400–499	(869–022–00064–1)	34.00	Apr. 1, 1994
500–End	(869–022–00065–9)	31.00	Apr. 1, 1994
21 Parts:			
1–99	(869–022–00066–7)	16.00	Apr. 1, 1994
100–169	(869–022–00067–5)	21.00	Apr. 1, 1994
170–199	(869–022–00068–3)	21.00	Apr. 1, 1994
200–299	(869–022–00069–1)	7.00	Apr. 1, 1994
300–499	(869–022–00070–5)	36.00	Apr. 1, 1994
500–599	(869–022–00071–3)	16.00	Apr. 1, 1994
600–799	(869–022–00072–1)	8.50	Apr. 1, 1994
800–1299	(869–022–00073–0)	22.00	Apr. 1, 1994
1300–End	(869–022–00074–8)	13.00	Apr. 1, 1994
22 Parts:			
1–299	(869–022–00075–6)	32.00	Apr. 1, 1994
300–End	(869–022–00076–4)	23.00	Apr. 1, 1994
23	(869–022–00077–2)	21.00	Apr. 1, 1994
24 Parts:			
0–199	(869–022–00078–1)	36.00	Apr. 1, 1994
200–499	(869–022–00079–9)	38.00	Apr. 1, 1994
500–699	(869–022–00080–2)	20.00	Apr. 1, 1994
700–1699	(869–022–00081–1)	39.00	Apr. 1, 1994
1700–End	(869–022–00082–9)	17.00	Apr. 1, 1994
25	(869–022–00083–7)	32.00	Apr. 1, 1994
26 Parts:			
§§ 1.0-1–1.60	(869–022–00084–5)	20.00	Apr. 1, 1994
§§ 1.61–1.169	(869–022–00085–3)	33.00	Apr. 1, 1994
§§ 1.170–1.300	(869–022–00086–1)	24.00	Apr. 1, 1994
§§ 1.301–1.400	(869–022–00087–0)	17.00	Apr. 1, 1994
§§ 1.401–1.440	(869–022–00088–8)	30.00	Apr. 1, 1994
§§ 1.441-1.500	(869-022-00089-6)	22.00	Apr. 1, 1994
§§ 1.501–1.640	(869–022–00090–0)	21.00	Apr. 1, 1994
§§ 1.641–1.850	(869–022–00091–8)	24.00	Apr. 1, 1994
§§ 1.851–1.907	(869–022–00092–6)	26.00	Apr. 1, 1994
§§ 1.908–1.1000	(869–022–00093–4)	27.00	Apr. 1, 1994
§§ 1.1001–1.1400	(869–022–00094–2)	24.00	Apr. 1, 1994
§§ 1.1401–End	(869–022–00095–1)	32.00	Apr. 1, 1994
2–29	(869–022–00096–9)	24.00	Apr. 1, 1994
30–39	(869–022–00097–7)	18.00	Apr. 1, 1994
40–49	(869–022–00098–4)	14.00	Apr. 1, 1994
50–299	(869–022–00099–3)	14.00	Apr. 1, 1994
300–499	(869–022–00100–1)	24.00	Apr. 1, 1994
500–599	(869–022–00101–9)	6.00	[4] Apr. 1, 1990

Title	Stock Number	Price	Revision Date
600–End	(869–022–00102–7)	8.00	Apr. 1, 1994
27 Parts:			
1–199	(869–022–00103–5)	36.00	Apr. 1, 1994
200–End	(869–022–00104–3)	13.00	Apr. 1, 1994
28 Parts:			
1-42	(869–022–00105–1)	27.00	July 1, 1994
43-end	(869-022-00106-0)	21.00	July 1, 1994
29 Parts:			
0–99	(869–022–00107–8)	21.00	July 1, 1994
100–499	(869–022–00108–6)	9.50	July 1, 1994
500–899	(869–022–00109–4)	35.00	July 1, 1994
900–1899	(869–022–00110–8)	17.00	July 1, 1994
1900–1910 (§§ 1901.1 to 1910.999)	(869–022–00111–6)	33.00	July 1, 1994
1910 (§§ 1910.1000 to end)	(869–022–00112–4)	21.00	July 1, 1994
1911–1925	(869–022–00113–2)	26.00	July 1, 1994
1926	(869–022–00114–1)	33.00	July 1, 1994
1927–End	(869–022–00115–9)	36.00	July 1, 1994
30 Parts:			
1–199	(869–022–00116–7)	27.00	July 1, 1994
200–699	(869–022–00117–5)	19.00	July 1, 1994
700–End	(869–022–00118–3)	27.00	July 1, 1994
31 Parts:			
0–199	(869–022–00119–1)	18.00	July 1, 1994
200–End	(869–022–00120–5)	30.00	July 1, 1994
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–022–00121–3)	31.00	July 1, 1994
191–399	(869–022–00122–1)	36.00	July 1, 1994
400–629	(869–022–00123–0)	26.00	July 1, 1994
630–699	(869–022–00124–8)	14.00	[5] July 1, 1991
700–799	(869–022–00125–6)	21.00	July 1, 1994
800–End	(869–022–00126–4)	22.00	July 1, 1994
33 Parts:			
1–124	(869–022–00127–2)	20.00	July 1, 1994
125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–022–00129–9)	24.00	July 1, 1994
34 Parts:			
1–299	(869–022–00130–2)	28.00	July 1, 1994
300–399	(869–022–00131–1)	21.00	July 1, 1994
400–End	(869–022–00132–9)	40.00	July 1, 1994
35	(869–022–00133–7)	12.00	July 1, 1994
36 Parts:			
1–199	(869–022–00134–5)	15.00	July 1, 1994
200–End	(869–022–00135–3)	37.00	July 1, 1994
37	(869–022–00136–1)	20.00	July 1, 1994
38 Parts:			
0–17	(869–022–00137–0)	30.00	July 1, 1994
18–End	(869–022–00138–8)	29.00	July 1, 1994
39	(869–022–00139–6)	16.00	July 1, 1994
40 Parts:			
1–51	(869–022–00140–0)	39.00	July 1, 1994
52	(869–022–00141–8)	39.00	July 1, 1994
53–59	(869–022–00142–6)	11.00	July 1, 1994
60	(869-022-00143-4)	36.00	July 1, 1994
61–80	(869–022–00144–2)	41.00	July 1, 1994
81–85	(869–022–00145–1)	23.00	July 1, 1994
86–99	(869–022–00146–9)	41.00	July 1, 1994
100–149	(869–022–00147–7)	39.00	July 1, 1994
150–189	(869–022–00148–5)	24.00	July 1, 1994
190–259	(869–022–00149–3)	18.00	July 1, 1994
260–299	(869–022–00150–7)	36.00	July 1, 1994
300–399	(869–022–00151–5)	18.00	July 1, 1994
400–424	(869–022–00152–3)	27.00	July 1, 1994
425–699	(869–022–00153–1)	30.00	July 1, 1994
700–789	(869–022–00154–0)	28.00	July 1, 1994
790–End	(869–022–00155–8)	27.00	July 1, 1994
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–022–00156–6)	9.50	July 1, 1994
101	(869–022–00157–4)	29.00	July 1, 1994
102–200	(869–022–00158–2)	15.00	July 1, 1994
201–End	(869–022–00159–1)	13.00	July 1, 1994
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–022–00163–9)	23.00	Oct. 1, 1994
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
200–499	(869–022–00168–0)	15.00	Oct. 1, 1994
500–1199	(869–022–00169–8)	32.00	Oct. 1, 1994
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
1–40	(869–022–00171–0)	20.00	Oct. 1, 1994
41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
90–139	(869–022–00174–4)	15.00	Oct. 1, 1994
140–155	(869–022–00175–2)	12.00	Oct. 1, 1994
156–165	(869–022–00176–1)	17.00	[7] Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
500–End	(869–022–00179–5)	15.00	Oct. 1, 1994
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–022–00181–7)	20.00	Oct. 1, 1994
40–69	(869–022–00182–5)	14.00	Oct. 1, 1994
70–79	(869–022–00183–3)	24.00	Oct. 1, 1994
80–End	(869–022–00184–1)	26.00	Oct. 1, 1994
48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–022–00187–6)	16.00	Oct. 1, 1994
2 (Parts 252–299)	(869–022–00188–4)	13.00	Oct. 1, 1994
3–6	(869–022–00189–2)	23.00	Oct. 1, 1994
7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
15–28	(869–022–00191–4)	32.00	Oct. 1, 1994
29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
49 Parts:			
1–99	(869–022–00193–1)	24.00	Oct. 1, 1994
100–177	(869–022–00194–9)	30.00	Oct. 1, 1994
178–199	(869–022–00195–7)	21.00	Oct. 1, 1994
200–399	(869–022–00196–5)	30.00	Oct. 1, 1994
400–999	(869–022–00197–3)	35.00	Oct. 1, 1994
1000–1199	(869–022–00198–1)	19.00	Oct. 1, 1994
1200–End	(869–022–00199–0)	15.00	Oct. 1, 1994
50 Parts:			
1–199	(869–022–00200–7)	25.00	Oct. 1, 1994
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CFR Index and Findings Aids	(869–022–00053–5)	38.00	Jan. 1, 1994

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1994. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1994. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.