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Thursday
June 1, 1995

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Contents

Federal Register

Vol. 60, No. 105

Thursday, June 1, 1995

Administration on Aging
See Aging Administration

African Development Foundation
NOTICES
Meetings; Sunshine Act, 28656

Aging Administration
NOTICES
Meetings:
White House Conference on Aging Advisory Committee, 28616

Agricultural Marketing Service
RULES
Almonds grown in California, 28520–28522

Agriculture Department
See Agricultural Marketing Service
See Commodity Credit Corporation
See Food Safety and Inspection Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration
See Natural Resources Conservation Service

Army Department
See Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Pine Bluff, AR; chemical agent demilitarization facility construction and operation, 28587

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
Dworshak Wildlife Mitigation Project, ID, 2860–28601

Coast Guard
NOTICES
Environmental statements; availability, etc.:
Governors Island, NY; closure and relocation of facilities, 28642–28643

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 28573–28574

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
China, 28578
India, 28579
Sri Lanka, 28579–28580
Ukraine, 28580

Commodity Credit Corporation
RULES
Loan and purchase programs:
Price support levels—
Shorn wool, wool on unshorn lambs, and mohair, 28522–28524

Defense Department
See Army Department
See Engineers Corps
See Navy Department
NOTICES
Agency information collection activities under OMB review, 28580
Base closure and realignment:
Defense Base and Closure and Realignment Commission; hearings, 28580–28581
Personal property program bulletin board; re-engineering, 28587–28588
Senior Executive Service:
DIA Performance Review Committee; membership, 28586
Travel per diem rates, civilian personnel; changes, 28581–28586

Education Department
NOTICES
Agency information collection activities under OMB review, 28589
Grants and cooperative agreements; availability, etc.:
Star schools program, 28660–28677
Meetings:
Indian Education National Advisory Council, 28589–28590
Postsecondary education:
State Postsecondary Review Program; extension of period during which State Postsecondary Review Entity may be reimbursed for allowable costs, 28590
Randolph-Sheppard Act:
Arbitration panel decision, 28590–28591
Special education and rehabilitative services:
Blind vending facilities under Randolph-Sheppard Act—Arbitration panel decisions, 28591–28593

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department
NOTICES
Conflict of interests:
Supervisory employees; divestiture requirements waivers, 28593
Electricity export and import authorizations:
Arizona Public Service Co., 28593–28594
Environmental statements; availability, etc.:
Los Alamos National Laboratory, NM, 28594–28595
Programmatic spent nuclear fuel management and Idaho National Engineering Laboratory environmental restoration and waste management programs, 28680–28696
Grant and cooperative agreement awards:
United States Export Council for Renewable Energy, 28595–28596

Meetings:
Environmental Management Site Specific Advisory Board—
Fernald Site, 28596
Kirtland Area Office (Sandia), 28596–28597
Nevada Test Site, 28597
Savannah River Site, 28597–28598
Inertial Confinement Fusion Advisory Committee/Defense Programs, 28598
International Energy Agency Industry Supply Advisory Group, 28598–28599
Secretary of Energy Advisory Board, 28599
Natural gas exportation and importation:
Cibola Canada Energy Marketing Co., 28602
Koch Gas Services Co., 28602
MASSPOWER, 28602
Pawtucket Power Associates Ltd. Partnership, 28602–28603
Western Gas Resources, Inc., 28603
Occupational radiation protection implementation guides; availability, 28599–28600

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Cedar River Section 205 Flood Control project, WA, 28586–28587

Environmental Protection Agency
RULES
Hazardous waste program authorizations:
Mississippi, 28539–28540
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Minnesota, 28557–28560
NOTICES
Committees; establishment, renewal, termination, etc.:
Environmental Policy and Technology National Advisory Council, 28608–28609
Drinking water:
Public water supply supervision program—
Alaska, 28609
Meetings:
Gulf of Mexico Program Citizens Advisory Committee, 28609–28610
Gulf of Mexico Program Joint Issue and Operating Committee, 28609
Urban revitalization and brownfields; public dialogues, 28610
Privacy Act:
Systems of records, 28610–28611
Toxic and hazardous substances control:
Premanufacture exemption approvals, 28611–28612
Voluntary environmental self-policing and self-disclosure; policy statement and comment request, 28613

Executive Office of the President
See Presidential Documents

Export-Import Bank
NOTICES
Meetings:
Advisory Committee, 28613

Federal Aviation Administration
RULES
Airworthiness directives:
Jetstream, 28529–28531
McDonnell Douglas, 28524–28529
Class B airspace; correction, 28657
Standard instrument approach procedures, 28531–28534
PROPOSED RULES
Airworthiness directives:
Special conditions—
Gulfstream Model Gulfstream V airplane, 28550–28551
Airworthiness standards:
Special conditions—
Cessna Aircraft Co. model 750 (Citation X) airplane, 28547–28550
Restricted areas, 28552–28554
VOR Federal airways, 28551–28552
NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Extended range operation with two-engine airplanes, 28643–28644
Airport noise compatibility program:
San Diego International Airport, CA, 28644–28645
Organization, functions, and authority delegations:
Grand Prairie Municipal Airport, TX, 28645

Federal Communications Commission
RULES
Common carrier services:
Rate of return represcription and enforcement processes; reform, 28542–28546
Television broadcasting:
Experimental, auxiliary, and special broadcast and other program distributional services; instructional television fixed service filing window
Correction, 28546

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 28656

Federal Energy Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Sonat Intrastate-Alabama Inc., 28601
Southern Natural Gas Co., 28601
Williams Natural Gas Co., 28602
Williams Power Trading Co.; correction, 28602

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Spotsylvania and Stafford Counties, VA, 28645–28646

Federal Maritime Commission
NOTICES
Agency information collection activities under OMB review, 28613

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
Union Pacific Railroad Co. et al., 28646–28647
Traffic control systems; discontinuance and removal:
CSX Transportation, Inc., et al., 28647–28648

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A. et al., 28613–28614
Northern Plains Investment, Inc., et al., 28614

Federal Trade Commission
PROPOSED RULES
Trade regulation rules:
Incandescent lamps (light bulbs), 28554–28555
NOTICES
Premerger notification waiting periods; early terminations, 28614–28616

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 28622–28623
Migratory Bird Treaty Act:
Machias Seal Island, ME; colonial seabird nesting site and rookery; visitation restrictions, 28623–28624

Food and Drug Administration
PROPOSED RULES
GRAS or prior-sanctioned ingredients:
Japan wax, 28555–28557
NOTICES
Biological products:
Export applications—
Antibody to Hepatitis B Surface Antigen Surface Antigen (human) ORTHO Antibody to HBsAg ELISA Confirmatory Test, 28616–28617
PEG-L-asparaginase, 28617
Human drugs:
Export applications—
CAVERJECT Sterile Powder (Alprostadil for Injection) 20ug/mL vials, 28617–28618
Medical devices:
Third party review of selected premarket notification; public workshop, 28618–28619

Food Safety and Inspection Service
PROPOSED RULES
Meat and poultry inspection:
Pathogen reduction; hazard analysis and critical control point (HACCP) systems; technical conference, 28547
NOTICES
Codex Alimentarius Commission; international sanitary and phytosanitary standard-setting activities; correction, 28657
Meat and poultry inspection:
Food Labeling Division policy memoranda; semiannual listing, 28565–28566
Meetings:
Microbiological Criteria for Foods National Advisory Committee, 28566

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Arizona—
SGS-Thomson Microelectronics, Inc.; semiconductor manufacturing plant, 28574–28575

Forest Service
NOTICES
Appealable decisions; legal notice:
Southern region, 28566–28569
Boundary establishment, descriptions, etc.:
Ocmulgee Purchase Unit, GA, 28569
Meetings:
National Urban and Community Forestry Advisory Council, 28569–28570

General Services Administration
PROPOSED RULES
Federal Information Resources Management Regulation:
Standard and optional forms management program, 28560–28561

Grain Inspection, Packers and Stockyards Administration
NOTICES
Agency designation actions:
Iowa, 28570
Louisiana et al., 28571
Michigan, 28570–28571
Oklahoma, 28571–28572
Texas, 28572
Texas et al., 28572–28573

Health and Human Services Department
See Aging Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Minority faculty fellowship program, 28619–28621
Nursing education loan repayment program for service in health facilities, 28621–28622

Hearings and Appeals Office, Energy Department
NOTICES
Special refund procedures; implementation, 28603–28608

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See Mines Bureau
See National Park Service

International Trade Administration
NOTICES
Antidumping:
Cyanuric acid from—
Japan, 28576
Antidumping and countervailing duties:
Administrative review requests, 28576
Intent To Revoke Antidumping Duty Orders, 28575
Countervailing duties:
Ball bearings and parts from—
Thailand, 28576–28578

Interstate Commerce Commission
NOTICES
Railroad services abandonment:
Illinois Central Railroad Co., 28626

Labor Department
See Pension and Welfare Benefits Administration

Land Management Bureau
RULES
Public land orders:
California, 28541
New Mexico; withdrawn, 28541
Wyoming, 28540–28541
NOTICES
Alaska Native claims selection:
Bethel Native Corp., 28624

Library of Congress
NOTICES
Visual Artists Rights Act of 1990; moral rights provision waiver; hearing; correction, 28657

Minerals Management Service
NOTICES
Agency information collection activities under OMB review, 28624

Mines Bureau
NOTICES
Agency information collection activities under OMB review, 28624–28625

National Archives and Records Administration
NOTICES
Agency information collection activities under OMB review, 28631–28632

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Tire selection and rims for motor vehicles other than passenger cars, 28561–28564
NOTICES
Motor vehicle safety standards:
Nonconforming vehicles—
Importation eligibility; determinations, 28648–28649

National Institutes of Health
NOTICES
Meetings:
National Institute on Deafness and Other Communication Disorders, 28622

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
Modernization Transition Committee, 28578
Pacific Fishery Management Council, 28578

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations, 28625

Natural Resources Conservation Service
RULES
Wetlands reserve program:
Responsibility transferred from Consolidated Farm Service Agency to NRCS, 28511–28520
NOTICES
Environmental statements; availability, etc.:
Lower Hamakua Ditch Watershed, HI, 28573

Navy Department
NOTICES
Environmental statements; availability, etc.:
Fleet and Industrial Supply Center, CA; proposed leasing of Navy land to Port of Oakland, 28588–28589

Nuclear Regulatory Commission
NOTICES
Petitions; Director's decisions:
Saporito, Thomas J., Jr., 28632
Applications, hearings, determinations, etc.:
Arkansas Tech University, 28632–28633
North Atlantic Energy Service Corp., 28633–28634

Office of the Special Counsel
NOTICES
Agency information collection activities under OMB review, 28642

Pension and Welfare Benefits Administration
NOTICES
Employee benefit plans; prohibited transaction exemptions:
NCNB Real Estate Fund et al., 28626–28631

Personnel Management Office
RULES
Health benefits, Federal employees:
Direct payment of premiums procedures, 28511
NOTICES
Agency information collection activities under OMB review, 28634–28636

Presidential Documents
PROCLAMATIONS
Special observances:
Time for the National Observance of the Fiftieth Anniversay of World War II (Proc. 6806), 28509
ADMINISTRATIVE ORDERS
Liberia, transfer of economic support funds to peacekeeping operations account to support African peacekeeping efforts (Presidential Determination No. 95-21 of May 16, 1995), 28699

Public Health Service
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health

Railroad Retirement Board
RULES
Railroad Unemployment Insurance Act:
Initial determinations; reviews and appeals, 28534–28535

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc.; correction, 28657
Depository Trust Co., 28637–28638
National Association of Securities Dealers, Inc., 28639–28640
Philadelphia Stock Exchange, Inc., 28638–28639
Applications, hearings, determinations, etc.:
Countdown to Retirement Funds, 28640–28641
SSL 1993-1 Trust; correction, 28657

Small Business Administration
NOTICES
Disaster loan areas:
North Carolina, 28641
Ohio et al., 28641–28642

Social Security Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
Representative Payment Advisory Committee, 28642

Special Counsel Office
See Office of the Special Counsel

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Thrift Supervision Office
NOTICES
Receiver appointments:
American Savings & Loan Association, 28654
Continental Savings of America, A FS&LA, 28654
Applications, hearings, determinations, etc.:
Bell Federal Savings & Loan Association of Bellevue, 28654
Clayton County Federal Savings & Loan Association, 28654
Community Bank & Trust, fsb, 28654
First Federal Savings Bank of Champaign-Urbana, 28654
First Federal Savings & Loan Association of Texarkana, 28654
Fort Thomas Federal Savings & Loan Association, 28655
Redwood Falls Federal Savings & Loan Association, 28655

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration

Treasury Department
See Thrift Supervision Office
RULES
Conflict of interests, 28535–28538
NOTICES
Agency information collection activities under OMB review, 28649–28653

Separate Parts In This Issue

Part II
Department of Education, 28660–28677

Part III
Department of Energy, 28680–28696

Part IV
The President, 28699

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

Electronic Bulletin Board
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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

6806 28509

Administrative Orders:

Presidential Determination: No. 95–21 of May 16, 1995 28699

5 CFR

890 28511

7 CFR

Ch. VI 28511
620 28511
981 28520
1468 28522

9 CFR

Proposed Rules:

308 28547
310 28547
318 28547
320 28547
325 28547
326 28547
327 28547
381 28547

14 CFR

39 (4 documents) 28524, 28525, 28527, 28529
71 28531
97 (2 documents) 28531, 28532

Proposed Rules:

25 (2 documents) 28547, 28550
71 28551
73 28552

16 CFR

Proposed Rules:

409 28554

20 CFR

320 28534

21 CFR

Proposed Rules:

182 28555
186 28555

31 CFR

0 28535

40 CFR

271 28539

Proposed Rules:

52 28557

41 CFR

Proposed Rules:

201-9 28560

43 CFR

Public Land Order:

7143 28540
7144 28541
7145 28541

47 CFR

65 28542
74 28546

49 CFR

Proposed Rules:

571 28561

Federal Register
Vol. 60, No. 105
Thursday, June 1, 1995

Presidential Documents

Title 3—

The President

Proclamation 6806 of May 26, 1995

Time for the National Observance of the Fiftieth Anniversary of World War II, 1995

By the President of the United States of America

A Proclamation

In remembering the nightmare we now know as World War II, it is natural and fitting that we pause to mourn our loss. Eleven million service members—more than 400,000 of them American—perished in that war. Countless more civilians died in its awful course. We Americans retain a special bond to all of these heroes. We've seen pictures of their faces and told stories of their courage. For when the darkest days of fear seemed to tear our world apart, the brave millions we now honor kept liberty alive.

As the forces of oppression sought to extinguish freedom's light, Americans from every walk of life heard the call to service. Women joined our Nation's factories, and farmers doubled their efforts in our fields. Victory gardens flourished across the land, and although the rationing of goods made our dinners less than feasts, the sharing of a cause filled our hearts with hope. Hand in hand, our parents and grandparents led our Nation on to victory, and together with our allies, we prevailed.

Like the men and women who fought half a century ago, Americans today are just as bound to defend the cause of freedom. Now as then, we are privileged to see the triumph of democracy in nations too long oppressed. Now as then, we know that service is our highest call. And still today, we pray for lasting peace.

May the spirit of those prayers forever grace our land. May they guide relations between citizens and friendships among nations. May our children remember our cause well, and may they one day see a time when harmony fills the Earth.

The Congress, by Public Law 103–291, has designated May 29, 1995, through June 6, 1995, as a ''Time for the National Observance of the Fiftieth Anniversary of World War II.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 29, 1995, through June 6, 1995, as a Time for the National Observance of the Fiftieth Anniversary of World War II. I call upon all Americans to celebrate these days with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of May, 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. 95–13539
Filed 5–30–95; 1:43 pm]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 60, No. 105
Thursday, June 1, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AG33

Federal Employees Health Benefits Program: Procedures for Direct Payment of Premiums

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to eliminate the requirement for the use of certified mail, return receipt requested, when notifying certain enrollees that their enrollment in the Federal Employees Health Benefits (FEHB) Program will be terminated due to nonpayment of premiums unless the payment is received within 15 calendar days. The purpose of these regulations is to reduce the cost of administering the FEHB enrollments of enrollees who make payments directly rather than through payroll or annuity deductions.

EFFECTIVE DATE: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Margaret Sears (202) 606–0004.

SUPPLEMENTARY INFORMATION: On December 30, 1994, OPM published interim regulations in the **Federal Register** (59 FR 67605) eliminating the requirement for using certified mail, return receipt requested, when notifying FEHB enrollees that their coverage is about to be terminated due to nonpayment of premiums. Most individuals enrolled under the FEHB Program pay their share of the premiums through withholding from pay or annuity. However, in some cases enrollees may make direct payments. These include: (1) Certain annuitants and compensationers (individuals who are entitled to compensation from the Office of Workers' Compensation Programs based on a job-related injury or disease) whose annuity or compensation has been waived or suspended; (2) former spouses whose enrollment is based on a qualifying court order under subpart H of 5 CFR part 890 governing FEHB; and (3) former employees, former spouses, and children enrolled under the Temporary Continuation of Coverage (TCC) provisions.

Under regulations in effect before we issued the interim regulations, if an employing office did not receive the payment by the due date, it was required to notify the enrollee by certified mail, return receipt requested, that continuation of coverage rests upon payment being made within 15 days (or 45 days for some enrollees living overseas) after receipt of the notice.

The interim regulations eliminated the requirement for sending the nonpayment notice by certified mail, return receipt requested. Further, they clarified that there must be a delay of 60 days (90 days for overseas enrollees) before employing offices take action to terminate enrollments for nonpayment of premiums. We believe that the interim regulations are much more convenient for the enrollee because the enrollees no longer need to sign for the notice. If no one is at home when a letter carrier delivers a return-receipt-requested letter, the addressee must go to the post office to sign for it. Under the interim regulations, the letter is left in the enrollee's mailbox and the enrollee has the information without making an unnecessary trip to the post office.

OPM received no comments on the interim regulations.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect individuals enrolled under the Federal Employees Health Benefits Program.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

James B. King,

Director.

Accordingly, under authority of 5 U.S.C. 8913, the interim rule amending 5 CFR Part 890 published on December 30, 1994, (59 FR 67605) is adopted as final without any change.

[FR Doc. 95–13316 Filed 5–31–95; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

7 CFR Chapter VI and Part 620

RIN 0578–AA15

Wetlands Reserve Program

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: Title XIV of the Food Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act), enacted on November 28, 1990, amended the Food Security Act of 1985 to provide for the establishment of the Wetlands Reserve Program (WRP). Under the WRP, the secretary of Agriculture is authorized to purchase easements from owners of eligible land who voluntarily agree to restore and protect farmed wetlands or converted wetlands and eligible adjacent acres. The Department of Agriculture Reorganization Act of 1994, authorized the establishment of the Natural Resources Conservation service (NRCS) and transferred responsibility for the WRP from the Consolidated Farm Service Agency to the NRCS, formerly the Soil Conservation Service (SCS). This interim rule provides the process by which the WRP will be administered within the NRCS. This rule also amends 7 CFR Chapter VI to reflect the establishment of the NRCS and the abolishment of the SCS.

DATES: Effective date: June 1, 1995.

Comments should be received on or before July 31, 1995.

ADDRESSES: Comments should be sent to National Wetlands Team, Natural Resources Conservation Service, Cotton Annex, Mezzanine One, Post Office Box 2890, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Bob Misso (202) 720–3534.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this interim rule is significant.

Regulatory Flexibility Act

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

Environmental Evaluation

It has been determined through an environmental review that this action is a modification of the existing WRP and is covered under the NRCS 1990 Environmental Assessment entitled, ''Wetlands Reserve Program-Environmental Assessment: Wetlands Reserve Provision of the Conservation Program Improvements Act of 1990.'' Copies of the environmental assessment are available upon request from: Bob Misso, Program Manager, National Wetlands Team, Natural Resources Conservation Service, Mezzanine One, Cotton Annex, Post Office Box 2890, Washington, DC 20250.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372 because it involves direct payments to individuals and not to State and local officials. See notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Federal Domestic Assistance Program

The title and number of the Federal Domestic Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Wetlands Reserve Program—10.072.

Paperwork Reduction Act

The information collection requirements contained in this interim rule will be submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980.

Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim rule are not retroactive. Furthermore, except as provided at 16 U.S.C. 3837a(e)(2), the provisions of this interim rule preempt State and local laws to the extent such laws are inconsistent with this interim rule. Before an action may be brought in a Federal court of competent jurisdiction, the administrative appeal rights afforded persons at 7 CFR Part 614 must be exhausted.

Unfunded Mandates Reform Act of 1995

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the affects of this rulemaking action on State, local, and tribal governments, and the public have been assessed. This action does not compel the expenditure of $100 million or more by any State, local or tribal governments, or anyone in the private sector, and therefore a statement under section 202 of the Unfunded Mandates Reform act of 1995 is not required.

Discussion of Program

Under the WRP, the Natural Resources Conservation Service (NRCS) will purchase easements from persons voluntarily agreeing to allow for the restoration of farmed or converted wetlands. The 1990 Act (16 U.S.C. 3837 et seq.) created an umbrella program called the Agricultural Resource Conservation Program which includes the Environmental Conservation Acreage Reserve Program. The Environmental Conservation Acreage Reserve Program includes the Conservation Reserve Program (CRP) and the WRP.

The current regulations implementing the WRP were published by the Consolidated Farm Service Agency as a final rule on November 23, 1994 (59 FR 60297) and are codified at 7 CFR Part 703. This rule establishes a new part (7 CFR part 620) for WRP, and pursuant to the Department of Agriculture Reorganization Act of 1994, Public Law 103–354, the NRCS assumes responsibility for administrating the WRP. Funds will be allocated based on landowner interest, amount of restorable wetland acres, environmental benefits, cost of acquisition and restoration, and other factors as determined by the Chief, NRCS, in consultation with the U.S. Fish and Wildlife Service.

Section 3837 of Title 16, United States Code, specifies that eligible land will include farmed or converted wetlands, but not wetlands converted after December 23, 1985, together with adjacent lands on which the wetlands are functionally dependent so long as the likelihood of successful restoration of such land and the wetland values merit inclusion in the program taking into account the cost of restoring the wetlands. NRCS is also permitted to include in the program: (1) farmed or converted wetlands and adjoining lands that are enrolled in the CRP with the highest wetland functions and values and that are likely to return to production at the end of the CRP contract; (2) other wetlands that would not otherwise be eligible if it is determined that inclusion in the program would significantly add to the value of the easement; and (3) riparian areas that link wetlands that are protected by easements or by some other device or circumstance that achieves the same purpose as an easement.

The NRCS shall not enroll lands that: (1) are converted wetlands if the conversion was commenced after December 23, 1985, (2) contain timber stands established under a CRP contract, (3) are owned by an agency of the United States, (4) are subject to a deed restriction of 30 years or more prohibiting the production of agricultural commodities, or (5) are subject to on-site or off-site conditions that preclude successful long term restoration.

With respect to owner eligibility, 16 U.S.C. 3837e provides that no WRP easement shall be created on land that has changed ownership in the preceding 12 months unless: (1) the new ownership was acquired by will or succession as a result of the death of the previous owner; or, (2) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purpose of placing it in the WRP.

In return for participation in the program, a landowner will receive financial compensation from the NRCS for the easement itself, and the NRCS will bear all or a portion of the cost of restoring the functions and values of the enrolled land. In each State, the State Conservationist, with the assistance of the State Technical Committee, shall determine easement payment rates to be applied to specific geographic areas within the State or to individual easement areas. In order to provide for better uniformity among States, the Regional Conservationist may review and adjust, as appropriate, any easement payment rates established within a region.

Compensation for easements acquired by the Secretary under the WRP must be an agreed upon amount, but not to exceed the fair market value of the land less the fair market value of such land encumbered by the easement, a method of valuation known as the before and after value of the land. In response to this requirement and the further desire to ensure that the program focus is

largely to maximize net environmental benefits per expenditure of federal funds, the compensation for the easements is limited to the agricultural value of the lands. Based upon acquisition experience, the effect of the WRP easement is largely to eliminate agricultural uses of the land. Therefore, to utilize the agricultural value of the land is equivalent to the value of the easement utilizing the traditional before and after method of valuation. Under this calculation of compensation, other speculative and higher uses are not considered in the determination of compensation rates. Furthermore, any compatible agricultural use of the easement area is limited to such level and timing of use as is integral to achieving and maintaining optimum wetland restoration benefits, and not for the purpose of achieving economic profit.

Therefore, the easement value rates will be determined using the best information which is readily available for assessing the values of land for agricultural purposes. Such information may include soil types, cropping histories, production histories, location, real estate market values, appraisals and market analyses, and tax rates and assessments.

To achieve program cost efficiency in relation to the ecological benefits to be achieved, the restoration of wetlands which maximize net environmental benefits per expenditure of federal funds will be emphasized. One source of accomplishing this cost-efficiency goal is to establish maximum easement payments for the State or geographic areas of the State. Maximum easement payment limitations may be available for public review prior to the sign-up period. No easement payment shall exceed the fair market value of the land rights being acquired.

Section 3837a of Title 16, United States Code, provides that the easements purchased under the WRP shall be in a recordable form and shall be for 30 years, permanent, or the maximum duration allowed under applicable State laws. Section 3837c(c) provides that in determining the acceptability of offers, consideration may be given to the extent to which the purposes of the program can be accomplished on the land, the productivity of the land, and the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities. In addition, section 3837c(d) provides that to the extent practicable, taking into consideration costs and future agricultural and food needs, the Secretary shall give priority to obtaining permanent easements before shorter term easements and, in consultation with the Secretary of the Interior, shall place priority on acquiring easements based on the value of the easement for restoring and protecting habitat for migratory birds and other wildlife. In order to accomplish this goal, § 620.6 and § 620.8(b)(5) of the interim rule provide that permanent easements will be preferred whenever possible.

Before proceeding to acquire a non-permanent easement, the State Conservationist will first seek to acquire any permanent easement offer that is determined to have the ecological and cost characteristics that warrant acquisition. After the effort to acquire permanent easements is completed, and provided that funding continues to be available, the State Conservationist, following review and approval of the request by the Regional Conservationist and the Chief, may pursue the acquisition of non-permanent easements.

The Regional Conservationist and the Chief, when considering the request of the State Conservationist, will simultaneously consider any backlog of unaccepted permanent easements offers that may exist in other areas of the region and Nation before approval of the acquisition of non-permanent easements is granted.

On land encumbered by permanent easements, the law establishing WRP allows for the Secretary to pay all the restoration costs or to cost-share with the landowner. The cost-share formula recognizes that the ecological benefits associated with a non-permanent easement is significantly less than that which would be associated with a permanent easement on the same land. Thus, 16 U.S.C. 3837c(b) provides for a smaller cost-share payment-rate on land encumbered with non-permanent easements than on land encumbered with permanent easements. In particular, section 3837c(b) provides for cost-share payments on non-permanent easements to range from 50 percent to 75 percent of restoration costs, whereas the cost-share payments on areas with permanent easements range from 75 percent to 100 percent of restoration costs (16 U.S.C. 3837c(b)). These restoration cost-share rates apply to NRCS expenditures and do not prohibit the landowner from obtaining cost-share assistance from other entities.

Under this rule, this statutory distinction between cost-share payments made for permanent versus non-permanent easements is replicated in the payment for the easements. For a given easement on a particular area of land, payments for non-permanent easements will be between 50 percent and 75 percent of that which would be paid for a permanent easement. Easement payments for a short-term, 30-year easement will be 50 percent of that which would have been paid for a permanent easement. Such reduced easement payments are consistent with the significant reduction in ecological benefits and cost efficiency associated with non-permanent easements.

Landowners will be allowed to apply for transfer of eligible land from the CRP to WRP. Enrollment in WRP will not require the refund of past payments or require a reduced WRP easement payment. CRP contracts will be terminated at the time of enrollment in WRP.

This is a voluntary program designed to achieve cost-effective, long-lasting wetland restoration, and the NRCS shall not acquire easements by eminent domain or other non-voluntary acquisition procedures. As a means of improving selection competitiveness, landowners may accept cost-share or easement payments less than that which may be determined applicable for the particular easement.

During announced sign-up periods, interested landowners will be able to apply for enrollment by stating on an NRCS form their intention to participate. This Application for Participation must be submitted during an announced period for submissions. Sign-up periods may be announced periodically by the NRCS.

The State Conservationist, with the assistance of the State Technical Committee, will develop a ranking process. Each of the applications that are submitted by eligible landowners for eligible lands shall be evaluated according to the following factors: (1) Duration of the easement, (2) wetland functions and values, (3) habitat for migratory birds and other wildlife, particularly at risk species, (4) location significance, (5) wetland management requirements, (6) likelihood of success of restoration, (7) easement purchase and restoration costs borne by the NRCS, and (8) other environmental (*e.g.* water quality) or cost factors determined appropriate by the NRCS.

It is the intention of the NRCS in ranking the applications to enroll the wetlands that provide the greatest environmental benefits while taking into consideration the cost of restoration, easement purchase, and associated costs. The ranking process will emphasize factors that (1) Ensure the effectiveness of the restored wetland functions and values, and (2) incorporate regional and State ecological priorities. The Chief, NRCS, may identify and accept certain

easements that advance the national goals of the WRP, even if such lands would not otherwise receive priority under the regional or State ranking procedures. For example, the Chief may allocate funds for purposes related to special pilot programs for wetland management and monitoring, cooperative agreements with other Federal or State agencies for program implementation, or for coordination of easement enrollment across State boundaries.

All landowners who want to enroll land in the WRP shall: (1) Grant to the United States a reserved interest easement on the land; (2) agree to the implementation of a Wetlands Reserve Plan of Operation (WRPO); (3) provide for the creation and recordation of a deed restriction covering the easement area; and (4) ensure consent to the easement from persons holding a security interest in the property. The WRPO will be completed in consultation with the U.S. Fish and Wildlife Service and the Conservation District. The WRPO specifies the manner in which the enrolled land will be restored, operated, and maintained to accomplish the goals of the program.

Section 3837a(b) of Title 16, United States Code, requires, in addition, that the easement allow: (1) Repairs, improvements, and inspections on such lands that are necessary to maintain existing public drainage systems; and (2) landowners to control public access on the easement area while identifying access routes to be used for wetland restoration activities, management and monitoring. Section 3837a(b) also requires that the terms of the easement prohibit such activities as spraying with chemicals or mowing of the land except as allowed to comply with Federal or State noxious weed laws or Federal or State emergency pest treatment programs. These provisions have been incorporated into § 620.10 of this interim rule.

A major program participation requirement contained in § 620.10 is the inclusion in the easement of the right of the United States to determine if a specific use of the easement area may be permitted as compatible. For a use to be considered compatible, the Chief or designee must determine that the use is consistent with the long term protection and enhancement of the wetland resources for which the easement was established.

The uses commonly considered compatible include hunting and fishing, haying, grazing, and harvest of timber. Hunting and fishing are generally considered compatible where the activities are carried out under the established State and Federal regulations that govern such uses. Haying, grazing, and timbering, because of the potential for substantial and adverse impacts upon the vegetative conditions of the easement area, may only be considered compatible under specifically prescribed circumstances that are directly associated with site-specific conditions as influenced by soil productivity, time of year, short and long term weather patterns, and other factors that may from time to time be pertinent. The type, method, timing, duration, and extent of a use, to be deemed compatible, must be an integral and positive part of the overall management plan for the easement area. For example, in a restored forested wetland easement area, a salvage cut to remove diseased or damaged trees may be appropriate. A selective harvest of overstory trees which opens up the canopy to provide for understory vegetative diversity may also be compatible in specific cases. A clear cutting approach to timber harvest, however, for the purpose of achieving economic gain at the expense of wetland functions and values would not be compatible with forested wetland functions and values.

Section 3837a(g) of Title 16, United States Code, provides that in the case of any violation of the terms and conditions of the easement or WRPO, the easement shall remain in force and the owner may be required to refund all or part of the payments made together with interest. Accordingly, this requirement has been incorporated into § 620.14 of this interim rule.

Once an easement has been recorded, a landowner can request modifications that do not adversely affect the functions and values for which the easement was established. Any modification, however, must result in equal or greater environmental and economic values to the United States, as determined by the NRCS in consultation with the U.S. Fish and Wildlife Service.

During the 1994 WRP sign-up, landowners in only 20 States could participate in the WRP. In fiscal year 1995 and subsequent years, no specific geographic limitation is required and eligible landowners in all 50 States and territories and possessions of the United States may, subject to a determination by the Chief, be given the opportunity to participate in the WRP.

This interim rule establishes a new part in chapter VI, title 7 of the Code of Federal Regulations, and makes the following changes to the administration of the program:

(1) Identifies possible enrollment availability in all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

(2) Expands land eligibility to certain agricultural lands that do not have a cropping history, such as former or degraded wetlands presently used for pasture and hayland;

(3) Provides a non-permanent easement option;

(4) Makes other changes to the administration of the program to become consistent with NRCS structure, policies, and procedures; and

(5) Delegates additional decision-making authority to the NRCS Regional Conservationists and State Conservationists with assistance provided by the State Technical Committees.

List of Subjects in 7 CFR Part 620

Administrative practices and procedures, Natural resources, Wetlands.

CHAPTER VI—NATURAL RESOURCES CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Accordingly, 7 CFR chapter VI is amended as follows:

1. The heading of Chapter VI is revised to read as set forth above.

2. In 7 CFR Chapter VI (consisting of parts 600–663), all references to ''Soil Conservation Service'' are revised to read ''Natural Resources Conservation Service,'' and all references to ''SCS'' are revised to read ''NRCS.''

3. A new part 620 is added to read as follows:

PART 620—WETLANDS RESERVE PROGRAM

Sec.

620.1 Purpose and scope.
620.2 Definitions.
620.3 Administration.
620.4 Program requirements.
620.5 Application procedures.
620.6 Establishing priority for enrollment of properties in WRP.
620.7 Enrollment.
620.8 Compensation for easements.
620.9 Cost-share payments.
620.10 Program participation requirements.
620.11 The WRPO development.
620.12 Modifications.
620.13 Transfer of land.
620.14 Violations and remedies.
620.15 Payments not subject to claims.
620.16 Assignments.
620.17 Appeals.
620.18 Scheme and device.

Authority: 16 U.S.C. 590a *et seq.*, 3837 *et seq.*

§ 620.1 Purpose and scope.

(a) The regulations in this part set forth the policies, procedures, and requirements for the Wetlands Reserve Program (WRP) as administered by the Natural Resources Conservation Service (NRCS) for program implementation and processing outstanding and new applications for enrollment during calendar year 1995 and thereafter.

(b) The Chief, NRCS, may implement WRP in any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

§ 620.2 Definitions.

The following definitions shall be applicable to this part:

Agricultural commodity means any crop planted and produced by annual tilling of the soil or on an annual basis by one trip planters, or alfalfa and other multi-year grasses and legumes in rotation as approved by the Secretary. Land shall be considered planted to an agricultural commodity during a crop year if, as determined by the NRCS, an action of the Secretary prevented land from being planted to the commodity during the crop year.

Chief means the Chief of the Natural Resources Conservation Service or the person delegated authority to act for the Chief.

Commenced conversion wetland means a wetland or converted wetland for which the Consolidated Farm Service Agency has determined that the wetland manipulation was contracted for, started, or for which financial obligation was incurred before December 23, 1985.

Conservation District is a subdivision of a State or local government organized pursuant to applicable State law to promote soil and water conservation practices.

Conservation Reserve Program (CRP) means the program administered by the Secretary of Agriculture and referenced at 7 CFR Parts 704 and 1410.

Consolidated Farm Service Agency (CFSA) is an agency of the United States Department of Agriculture.

Contract means the NRCS document that specifies the obligations and rights of any person who has been accepted for participation in the program.

Converted wetland means a wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including the removal of woody vegetation, or any activity that results in impairing or reducing the flow, circulation, or reach of water) for the purpose, or that has the effect, of making the production of an agricultural commodity possible if such production would not have been possible but for such action.

Cost-share payment means the payment made by the NRCS to achieve the restoration of the wetland functions and values of the easement area in accordance with the WRPO.

Easement means a reserved interest easement which is an interest in land defined and delineated in a deed whereby the landowner conveys all rights, title, and interests in a property to the grantee, but the landowner retains those rights, title, and interests in the property which are specifically reserved to the landowner in the easement deed.

Easement area means the land encumbered by an easement.

Easement payment means the consideration paid to a landowner for an easement conveyed to the United States under the WRP.

Farmed wetland means wetlands that were manipulated and used to produce an agricultural commodity prior to December 23, 1985, but had not been converted prior to that date and, therefore, are not prior converted croplands. These areas include potholes, playas, and pocosins that still meet the wetland criteria, and other wetlands that are seasonally ponded or flooded for an extended period of time during the growing season.

Farmed wetland pasture means wetlands that were manipulated and managed for pasture or hayland prior to December 23, 1985, but still meet wetland criteria and are not abandoned, or were prior converted croplands or farmed wetlands that were not cropped for 5 successive years, but were used for forage production during that time and have not been abandoned.

Forest Service is an agency of the United States Department of Agriculture.

Landowner means a person or persons having legal ownership of farmland, including those who may be buying farmland under a purchase agreement. Landowner may include all forms of collective ownership including joint tenants, tenants in common, and life tenants and remaindermen in a farm property.

Lands substantially altered by flooding means areas where flooding has created wetland hydrologic conditions which, with a high degree of certainty, will develop wetland soil and vegetation characteristics over time.

Natural Resources Conservation Service (NRCS) is an agency of the United States Department of Agriculture, formerly called the Soil Conservation Service.

Permanent easement means an easement that lasts in perpetuity.

Person means one or more individuals, partnerships, associations, corporations, estates or trusts, or other business enterprises or other legal entities and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

Practice means a restoration measure necessary or desirable to accomplish the desired program objectives.

Prior converted cropland means wetlands that before December 23, 1985, were drained, dredged, filled, leveled, or otherwise manipulated including the removal of woody vegetation, for the purpose, or to have the effect, of making the production of an agricultural commodity possible and an agricultural commodity has been produced at least once before December 23, 1985.

Riparian areas means areas of land that occur along streams, channels, rivers, and other water bodies. These areas are normally distinctly different from the surrounding lands because of unique soil and vegetation characteristics, may be identified by distinctive vegatative communities which are reflective of soil conditions normally wetter than adjacent soils, and generally provide a corridor for the movement of wildlife.

State Technical Committee means a committee established by the Secretary of the U.S. Department of Agriculture in a State pursuant to 16 U.S.C. 3861. For the purposes of the WRP, the State Conservationist will be the chairperson of the State Technical Committee.

U.S. Fish and Wildlife Service is an agency of the United States Department of the Interior.

Wetland means land that:

(1) Has a predominance of hydric soils;

(2) Is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(3) Does support a prevalence of such vegetation under normal circumstances. For purposes of WRP, wetland shall also refer to adjacent lands that contribute to wetland functions and values.

Wetland functions and values means the hydrological and biological characteristics of wetlands and the social worth placed upon these characteristics, including:

(1) Habit for migratory birds and other wildlife, in particular at risk species;

(2) Protection and improvement of water quality;

(3) Attenuation of water flows due to flood;

(4) The recharge of ground water;

(5) Protection and enhancement of open space and aesthetic quality;

(6) Protection of flora and fauna which contributes to the Nation's natural heritage; and

(7) Contribution to educational and scientific scholarship.

Wetland restoration means the rehabilitation of degraded or lost habitat in a manner such that:

(1) The original vegetation community and hydrology are, to the extent practical, re-established; or

(2) A community different from what likely existed prior to degradation of the site is established. The hydrology and native self-sustaining vegetation being established will substantially replace original habitat functions and values but does not involve more than 30 percent of the wetland restoration area.

WRP means the Wetlands Reserve Program.

WRPO means the Wetlands Reserve Plan of Operations.

§ 620.3 Administration.

(a) The regulations in this part will be administered under the general supervision and direction of the Chief.

(b) The Chief is authorized to modify or waive a provision of this part if the Chief deems the application of that provision to a particular limited situation to be inappropriate and inconsistent with the environmental and cost-efficiency goals of the WRP. This authority cannot be further delegated. The Chief may not modify or waive any provision of this part which is required by applicable law.

(c) As determined by the Chief and the Administrator of the Consolidated Farm Service Agency, the NRCS will seek the agreement of the Consolidated Farm Service Agency in establishing policies, priorities, and guidelines related to the implementation of this part.

(d) The State Conservationist will consult with the State Technical Committee on the development of the rates of compensation for an easement, a priority ranking process, and related policy matters.

(e) The NRCS may delegate at any time easement management, monitoring, and enforcement responsibilities to other Federal or State agencies.

(f) The NRCS may enter into cooperative agreements with Federal or State agencies and with private conservation organizations to assist the NRCS with educational efforts, easement management and monitoring, and program implementation assistance.

(g) The NRCS shall consult with the U.S. Fish and Wildlife Service in the implementation of the program and in establishing program policies. The NRCS may consult with other Federal and State agencies and other organizations in program administration. No determination by the U.S. Fish and Wildlife Service, Federal, or State agency shall compel the NRCS to take any action which the NRCS determines will not serve the purposes of the program established by this part.

(h) The Chief may allocate funds for such purposes related to special pilot programs for wetland management and monitoring, emergencies, cooperative agreements with other Federal or State agencies for program implementation, coordination of easement enrollment across State boundaries, or for other goals of the WRP found in this part.

§ 620.4 Program requirements.

(a) *General.* Under the WRP, the NRCS will purchase conservation easements from eligible landowners who voluntarily cooperate in the restoration and protection of wetlands and associated lands. To participate in WRP, a landowner will agree to the implementation of a Wetlands Reserve Plan of Operations (WRPO), the effect of which is to restore, protect, enhance, maintain, and manage the hydrologic conditions of inundation or saturation of the soil, native vegetation, and natural topography of eligible lands. The NRCS may provide cost-share assistance for the activities that promote the restoration, protection, enhancement, maintenance, and management of wetland functions and values. Specific restoration, protection, enhancement, maintenance, and management actions may be undertaken by the landowner or other NRCS designee.

(b) *Acreage limitations.*

(1) Except for areas devoted to windbreaks or shelterbelts after November 28, 1990, no more than 25 percent of the total cropland in any county, as determined by the Consolidated Farm Service Agency, may be placed in the Environmental Conservation Acreage Reserve Program, 16 U.S.C. 3830, and no more than 10 percent of the total cropland in the county may be subject to an easement.

(2) The NRCS and the Consolidated Farm Service Agency shall concur before a waiver of either the 25 percent limit or the 10 percent limit of this subsection can be approved for an easement proposed for enrollment in the WRP. Such a waiver will only be approved if it will not adversely affect the local economy.

(c) *Landowner eligibility.* To be eligible to participate in the WRP, a person must:

(1) Be the landowner of eligible land for which enrollment is sought;

(2) Have been the landowner of such land for the 12 months prior to the time the intention to participate is declared unless it is determined by the State Conservationist that the land was acquired by will or succession as a result of the death of the previous landowner, or that adequate assurances have been presented to the State Conservationist that the new landowner of such land did not acquire such land for the purpose of placing it in the WRP; and

(3) Agree to provide such information to the NRCS as the agency deems necessary or desirable to assist in its determination of eligibility for program benefits and for other program implementation purposes.

(d) *Eligible land.*

(1) The NRCS shall determine whether land is eligible for enrollment and whether, once found eligible, the lands may be included in the program based on the likelihood of successful restoration of wetland functions and values when considering the cost of acquiring the easement and restoration, protection, enhancement, maintenance, and management costs.

(2) Land which meets the eligibility requirements of this section shall only be considered for enrollment in WRP if the NRCS determines, in consultation with the U.S. Fish and Wildlife Service, that the wetland functions and values can and will be restored, protected, enhanced, maintained, and managed.

(3) The following land is eligible for enrollment in the WRP, which land may have been determined by the NRCS pursuant to regulations and implementing policies is pertaining to wetland conservation found at 7 CFR 12.30–12.33, as:

(i) Wetlands farmed under natural conditions, farmed wetlands, prior converted cropland, commenced conversion wetlands, farmed wetland pastures, and lands substantially altered by flooding so as to develop wetland functions and values;

(ii) Former or degraded wetlands that occur on lands that have been used or are currently being used for the production of food and fiber, including rangeland and forest production lands, where the hydrology has been significantly degraded or modified and will be substantially restored;

(iii) Riparian areas along streams or other waterways that link or, after restoring the riparian area, will link wetlands which are protected by an

easement or other device or circumstance that achieves the same objectives as an easement:

(iv) Land adjacent to the restored wetland which would contribute significantly to wetland functions and values including buffer areas, wetland creations, and non-cropped neutral wetlands, but not more than the State Conservationist, in consultation with the State Technical Committee, determines is necessary for such contribution;

(v) Other wetlands that would not otherwise be eligible but would significantly add to the wetland functions and values; and

(vi) Wetlands that have been restored under a private, State, or Federal restoration program with an easement or deed restriction with a duration of less than 30 years.

(4) To be enrolled in the program, eligible land must be configured in a size and with boundaries that allow for the efficient management of the area for easement purposes and otherwise promote and enhance program objectives.

(e) *Ineligible land.* The following land is not eligible for enrollment in the WRP:

(1) Converted wetlands if the conversion was commended after December 23, 1985;

(2) Land that contains timber stands established under a CRP contract;

(3) Lands owned by an agency of the United States;

(4) Land subject to an easement or deed restriction with a duration of 30 years or more prohibiting the production of agricultural commodities; and,

(5) Lands where implementation of restoration practices would be futile due to on-site or off-site conditions.

(f) *Enrollment of CRP lands.* Land subject to an existing CRP contract may be enrolled into the WKP only if the land and landowner meet the requirements of this part, and the enrollment is requested by the landowner and agreed to by the NRCS. To enroll in WRP, the CRP contract for the property shall be terminated or otherwise modified subject to such terms and conditions as are mutually agreed upon by the Consolidated Farm Service Agency and the landowner.

§ 620.5 Application procedures.

(a) *Application for participation.* To apply for enrollment, a landowner must submit an Application for Participation in the WRP. The application must be submitted during an announced period for such submissions.

(b) *Preliminary agency actions.* By filing an Application for Participation, the landowner consents to an NRCS representative entering upon the land for purposes of assessing the wetland functions and values, and for other activities such as the development of the preliminary WRPO that are necessary or desirable for the NRCS to make offers of enrollment. The landowner is entitled to accompany an NRCS representative on any site visits.

(c) *Voluntary reduction in compensation.* In order to enhance the probability of enrollment in WRP, a landowner may voluntarily offer to accept a lesser payment than is being offered by the NRCS.

§ 620.6 Establishing priority for enrollment of properties in WRP.

(a) *Ranking considerations.* Based on applications for participation, the State Conservationist, in consultation with the U.S. Fish and Wildlife Service and the State Technical Committee, will rank properties based on: estimated costs of restoration and easement acquisition, availability of matching funds, significance of wetland functions and values, estimated success of restoration measures, and the duration of a proposed easement with permanent easements being given priority over non-permanent easements.

(b) The NRCS may place higher priority on certain geographic regions of the State where restoration of wetlands may better achieve NRCS State and regional goals and objectives.

(c) Notwithstanding any limitation of this part, the State Conservationist may enroll eligible lands at any time in order to encompass total wetland areas subject to multiple ownership or otherwise to achieve program objectives. Similarly, the State Conservationist may, at any time, exclude otherwise eligible lands if the participation of the adjacent landowners is essential to the successful restoration of the wetlands and those adjacent landowners are unwilling to participate.

§ 620.7 Enrollment.

(a) *Offers of enrollment.* Based on the priority ranking, the NRCS will notify an affected landowner of tentative acceptance into the program for which the landowner has 15 calendar days to sign a letter of intent to continue. NRCS will select lands to maximize environmental benefits per expenditure of Federal funds.

(b) *Effect of letter of intent to continue (tentative acceptance).* An offer of tentative acceptance into the program does not bind the NRCS or the United States to acquire an easement, nor does it bind the landowner to convey an easement or agree to WRPO activities. However, receipt of an executed letter of intent to continue will authorize the NRCS to proceed.

(c) *Acceptance of offer of enrollment.* A contract will be presented by the NRCS to the landowner, which will describe the easement area; the easement terms and conditions; and other terms and conditions for participation that may be required by the NRCS. A landowner accepts enrollment in the WRP by signing contract.

(d) *Effect of the acceptance of the offer.* After the contract is executed by NRCS and the landowner, the NRCS will proceed with various easement acquisition activities, which may include conducting a survey of the easement area, securing necessary subordination agreements, procuring title insurance, and conducting other activities necessary to record the easement or implement the WRPO.

(e) *Withdrawal of offers.* Prior to execution by the United States and the landowner of the contract, the NRCS may withdraw its offer anytime due to availability of funds, inability to clear title, or other reasons. The offer to the landowner shall be void if not executed by the landowner within the time specified. The date of the offer shall be the date of notification to the landowner of tentative acceptance.

§ 620.8 Compensation for easements.

(a) *Establishment of rates.*

(1) The State Conservationist, in consultation with the State Technical Committee, shall determine easement payment rates to be applied to specific geographic areas within the State or to individual easement areas.

(2) In order to provide for better uniformity among States, the Regional Conservationist and Chief may review and adjust, as appropriate, State or other geographically based easement payment rates.

(b) *Determination of easement payment rates.*

(1) Easement payment rates will be based upon analyses of the values of the lands when used for agricultural purposes. The landowner will receive the lesser of the following:

(i) the geographic area rate;

(ii) the value based on a market appraisal analysis/assessment; or

(iii) the landowner offer.

(2) Each State Conservationist will determine the easement payment rates using the best information which is readily available in that State for assessing the values of land for agricultural purposes. Such information may include: soil types, type(s) of crops capable of being grown, production

history, location, real estate market values, appraisals and market analyses, and tax rates and assessments. The State Conservationist may consult with other Federal agencies, real estate market experts, appraisers, local tax authorities, and other entities or persons which may provide information on productivity and market conditions.

(3) Easement payments for non-permanent easements will be less than those for permanent easements because the quality and duration of the ecological benefits derived from a non-permanent easement are significantly less than those derived from a permanent easement on the same land. Easement payments for a non-permanent easement shall be determined by the Chief at between 50 percent and 75 percent of that which would have been paid for a permanent easement, with the actual percentage of compensation being determined by the Chief based upon the extent to which full restoration and ecological benefits can be achieved when compared to a permanent easement. Easement payments for the short-term 30-year easements shall be 50 percent of that which would have been paid for a permanent easement.

(4) Before proceeding to acquire a non-permanent easement, the State Conservationist shall first seek to acquire any permanent easement offer that is determined to have the ecological and cost characteristics that warrant acquisition. After the effort to acquire permanent easements is completed, and provided that funding continues to be available, the State Conservationist, in consultation with the State Technical Committee and following review and approval of the request by the Regional Conservationist and the Chief, may pursue the acquisition of non-permanent easements.

(5) The Regional Conservationist and the Chief, when considering the request of the State Conservationist for approval to acquire a non-permanent easement, will simultaneously consider any backlog of unaccepted permanent easement offers that may exist in other areas of the region and Nation before approval of the acquisition of non-permanent easements is granted.

(c) *Maximum payments.* In order to ensure that limited program funds are expended to maximize program benefits, the State Conservationist, in consultation with the State Technical Committee, may establish a maximum easement payment for any one easement within a State or for geographic areas within a State.

(d) *Preliminary estimates of easement payments.* Upon request of the landowner prior to filing an application for enrollment, a landowner may be appraised of the maximum easement payment rates.

(e) *Acceptance of offered easement compensation.*

(1) The NRCS will not acquire any easement unless the landowner accepts the amount of the easement payment which is offered by the NRCS. The easement payment may or may not equal the fair market value of the interests and rights to be conveyed by the landowner under the easement. By voluntarily participating in the program, a landowner waives any claim to additional compensation based on fair market value.

(2) For permanent easements, the NRCS may make one lump-sum cash easement payment after the easement is recorded.

(3) For non-permanent easements, the easement payment shall be made in no less than 5 annual payments or no more than 20 annual payments.

(f) *Reimbursement of a landowner's expenses.* For completed easement conveyances, the NRCS will reimburse landowners for their fair and reasonable expenses, if any, incurred for surveying and related costs, as determined by the NRCS. The State Conservationist, in consultation with the State Technical Committee, may establish maximum payments to reimburse landowners for reasonable expenses.

(g) *Tax implications of easement conveyances.* Subject to applicable regulations of the Internal Revenue Service, a landowner may be eligible for a bargain sale tax deduction which is the difference between the fair market value of the easement conveyed to the United States and the easement payment made to the landowner. The NRCS disclaims any representations concerning the tax implications of any easement or cost-share transaction.

(h) *Payment limitation on non-permanent easements.* With respect to non-permanent easements, the annual amount of easement payments to any person shall not exceed $50,000.

(i) If easement payments are calculated on a per acre basis, adjustment to stated easement payment will be made based on final determination of acreage.

§ 620.9 Cost-share payments.

(a) In addition to easement payments, the NRCS may share the cost with landowners of restoring the enrolled land as provided in the WRPO after the easement is recorded. The amount and terms and conditions of the cost-share assistance shall be subject to the following restrictions on the costs of establishing or installing practices specified in the WRPO:

(1) On enrolled land subject to a permanent easement, the NRCS shall offer to pay not less than 75 percent nor more than 100 percent of such costs; and

(2) On enrolled land subject to a non-permanent easement, the NRCS shall offer to pay not less than 50 percent nor more than 75 percent of such costs. Cost-share payments offered by NRCS for the short-term, 30-year easements shall be 50 percent.

(b) Cost-share payments may be made only upon a determination by the NRCS that an eligible practice or an identifiable unit of the practice has been established in compliance with appropriate standards and specifications. Identified practices may be implemented by the landowner or other designee.

(c) Cost-share payments may be made for the establishment and installation of additional eligible practices, or the maintenance or replacement of an eligible practice, but only if NRCS determines the practice is needed to meet the objectives of the easement, and the failure of the original practices was due to reasons beyond the control of the landowner.

(d) A landowner may seek additional cost-share assistance from other public or private organizations as long as the activities funded are in compliance with this part. In no event shall the landowner receive an amount which exceeds 100 percent of the total actual cost of the restoration.

§ 620.10 Program participation requirements.

(a) To enroll land in WRP, a landowner shall grant an easement to the United States. The easement shall require that the easement area be maintained in accordance with WRP goals and objectives for the duration of the term of the easement, including the restoration, protection, enhancement, maintenance, and management of wetland and other land functions and values.

(b) For the duration of its term, the easement shall require, at a minimum, that the landowner, and the landowner's heirs, successors and assigns, shall cooperate in the restoration, protection, enhancement, maintenance, and management of the land in accordance with the easement and with the terms of the WRPO. In addition, the easement shall grant to the United States, through the NRCS:

(1) A right of access to the easement area;

(2) The right to permit compatible uses of the easement area, including such activities as hunting and fishing, managed timber harvest, or periodic haying or grazing, if such use is consistent with the long-term protection and enhancement of the wetland resources for which the easement was established;

(3) All rights, title and interest in the easement area subject to compatible uses reserved to the landowner; and,

(4) The right to perform restoration, protection, enhancement, maintenance, and management activities on the easement area.

(c) The landowner shall convey title to the easement which is acceptable to the NRCS. The landowner shall warrant that the easement granted to the United States is superior to the rights of all others, except for exceptions to the title which are deemed acceptable by the NRCS.

(d) The landowner shall:

(1) Comply with the terms of the easement;

(2) Comply with all terms and conditions of any associated contract;

(3) Agree to the permanent retirement of any existing cropland base and allotment history for the easement area under any program administered by the Secretary, as determined by the Consolidated Farm Service Agency;

(4) Agree to the long-term restoration, protection, enhancement, maintenance, and management of the easement in accordance with the terms of the easement and related agreements;

(5) The landowner may have the option to enter into an agreement with governmental or private organizations to assist in carrying out any landowner responsibilities on the easement area; and,

(6) Agree that each person who is subject to the easement shall be jointly and severally responsible for compliance with the easement and the provisions of this part and for any refunds or payment adjustment which may be required for violation of any terms or conditions of the easement or the provisions of this part.

§ 620.11 The WRPO development.

(a) The NRCS shall prepare the WRPO in consultation with the U.S. Fish and Wildlife Service and the Conservation District. At the local level, the NRCS must reach agreement with the U.S. Fish and Wildlife Service. If agreement cannot be reached, the WRPO will be forwarded to the State Conservationist, who, giving consideration to the information provided by the U.S. Fish and Wildlife Service, will develop the WRPO. In all cases of disagreement at the local level, the NRCS and the U.S. Fish and Wildlife Service will file a report with their respective national offices.

(b) The WRPO shall specify the manner in which the enrolled land shall be restored, protected, enhanced, maintained, and managed to accomplish the goals of the program.

§ 620.12 Modifications.

(a) *Easements.*

(1) After an easement has been recorded, no modification will be made in the easement except by manual agreement with the Chief and the landowner. The Chief will consult with the U.S. Fish and Wildlife Service and the Conservation District prior to making any modifications to easements.

(2) Approved modifications will be made only in an amended easement which is duly prepared and recorded in conformity with standard real estate practices, including requirements for title approval, subordination of liens, and recordation.

(3) The Chief may approve modifications to facilitate the practical administration and management of the easement area or the program so long as the modification will not adversely affect the wetland functions and values for which the easement was acquired.

(4) Modifications must result in equal or greater environmental and economic values to the United States.

(b) *WRPO.* Insofar as is consistent with the easement and applicable law, the Chief may approve modifications to the WRPO after consultation with the U.S. Fish and Wildlife Service. Any WRPO modification must meet WRP program objectives, and must result in equal or greater environmental and economic values to the United States. Modifications to the WRPO which are substantial and affect provisions of the easement may require agreement from the landowner and require execution of an amended easement.

§ 620.13 Transfer of land.

(a) *Offers voided.* Any transfer of the property prior to the landowner acceptance into the program shall void the offer of enrollment. At the option of the State Conservationist, an offer can be extended to the new landowner if the new landowner agrees to the same or more restrictive easement and contract terms and conditions.

(b) *Payments to landowners.*

(1) For non-permanent easements with multiple annual payments, any remaining easement payments will be made to the original landowner unless the NRCS receives an assignment of proceeds from the original landowner to a successor in title.

(2) The new landowner or purchaser shall be held responsible for assuring completion of all measures and practices required by the contract. Eligible cost-share payments shall be made to the new landowner upon presentation of an assignment of rights or other evidence that title had passed.

(c) *Claims to payments.* With respect to any and all payments owed to landowners, the United States shall bear no responsibility for any full payments or partial distributions of funds between the original landowner and the landowner's successor. In the event of a dispute or claim on the distribution of cost-share payments, the NRCS may withhold payments without the accrual of interest pending an agreement or adjudication on the rights to the funds.

§ 620.14 Violations and remedies.

(a) In the event of a violation of the easement or any associated contract directly involving the landowner, the landowner shall be given reasonable notice and an opportunity to voluntarily correct the violation within 30 days of the date of the notice, or such additional time as the State Conservationist may allow.

(b) Notwithstanding paragraph (a) of this section, the NRCS reserves the right to enter upon the easement area at any time to remedy deficiencies or easement violations. Such entry may be made at the discretion of the NRCS when such actions are deemed necessary to protect important wetland functions and values or others rights of the United States under the easement. The landowner shall be liable for any costs incurred by the United States as a result of the landowner's negligence or failure to comply with easement or contractual obligations.

(c) In addition to any and all legal and equitable remedies as may be available to the United States under applicable law, the NRCS may withhold any easement and cost-share payments owing to landowners at any time there is a material breach of the easement covenants or any associated contract. Such withheld funds may be used to offset costs incurred by the United States in any remedial actions or retained as damages pursuant to court order or settlement agreement.

(d) The United states shall be entitled to recover any and all administrative and legal costs, including attorney's fees or expenses, associated with any enforcement or remedial action.

§ 620.15 Payments not subject to claims.

Any cost-share or easement payment or portion thereof due any person under this part shall be allowed without regard to any claim or lien in favor of any creditor, except agencies of the United States Government.

§ 620.16 Assignments.

Any person entitled to any cash payment under this program may assign the right to receive such cash payments, in whole or in part.

§ 620.17 Appeals.

(a) A person participating in the WRP may obtain a review of any administrative determination concerning eligibility for participation utilizing the administrative appeal procedures pursuant to Title II, Subtitle B and Subtitle H of the Department of Agriculture Reorganization Act of 1994, Public Law 103–354.

(b) Before a person may seek judicial review of any action taken under this part, the person must exhaust all administrative appeal procedures set forth in paragraph (a) of this section, and for purposes of judicial review, no decision shall be a final agency action except a decision of the Chief of NRCS under these procedures.

(c) Any appraisals, market analysis, or supporting documentation that may be used by the NRCS in determining property value are considered confidential information, and shall only be disclosed as determined at the sole discretion of the NRCS in accordance with applicable law.

§ 620.18 Scheme and device.

(a) If it is determined by the NRCS that a landowner has employed a scheme or device to defeat the purposes of this part, any part of any program payment otherwise due or paid such landowner during the applicable period may be withheld or be required to be refunded with interest thereon, as determined appropriate by the NRCS.

(b) A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person of payments for cost-share practices or easements for the purpose of obtaining a payment to which a person would otherwise not be entitled.

(c) A landowner who succeeds to the responsibilities under this part shall report in writing to the NRCS any interest of any kind in enrolled land that is held by a predecessor or any lender. A failure of full disclosure will be considered a scheme or device under this section.

Signed at Washington, DC on May 19, 1995.

Gary A. Margheim,

Acting Chief, Natural Resources Conservation Service.

[FR Doc. 95–13161 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–16–M

Agricultural Marketing Service

7 CFR Part 981

[FV94–981–3IFR]

Almonds Grown in California; Release of the Reserve Established for the 1994–95 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This document relaxes volume regulations imposed on California almond handlers for the 1994–95 crop year by releasing reserve almonds into salable channels. Volume regulations were imposed under the authority of the Federal marketing order which regulates the handling of almonds grown in California and is locally administered by the Almond Board of California (Board). During the 1994–95 season, handlers were required to withhold as a reserve, from normal competitive markets, 10 percent of the almonds which they received from growers. The remaining 90 percent of the crop could be sold by handlers to any market at any time. This rule relaxes these regulations on handlers by releasing the reserve percentage to the salable category and is necessary to provide a sufficient quantity of almonds to meet anticipated trade demand and carryover needs.

DATES: Effective on May 25, 1995; comments received by July 3, 1995 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456. All comments should reference the 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: Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–1509, or fax (202) 720–5698; or Martin Engeler, Assistant Officer-in-Charge, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, or fax (209) 487–5906.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 981 (7 CFR part 981), both as amended, hereinafter referred to as the ''order,'' regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable and reserve percentages may be established for almonds during any crop year. This rule revises the salable and reserve percentages for marketable California almonds during the 1994–95 crop year. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. 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 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 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.

There are approximately 115 handlers of almonds who are subject to regulation under the marketing order and approximately 7,000 producers in the regulated area. Small agricultural service firms 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 handlers and producers of California almonds may be classified as small entities.

This rule relaxes volume regulations imposed on California almond handlers for the 1994–95 crop year (July 1 through June 30). During the 1994–95 season, handlers were required to withhold, from normal domestic and export markets, 10 percent of the merchantable almonds which they received from growers (reserve percentage). The remaining 90 percent of almonds received by handlers could be sold to any market at any time (salable percentage). Volume regulations were recommended by the Board and imposed on handlers to lessen the impact of a large almond supply for the 1994–95 season. Salable and reserve percentages were established through publication of a final rule in the **Federal Register** on December 9, 1994 (59 FR 63693). The Board now believes that volume regulations on almond handlers are no longer necessary and that the entire reserve should be released to provide a sufficient quantity of almonds to meet anticipated trade demand and carryover needs.

Section 981.47 of the almond marketing order provides authority for the Secretary, based on recommendations by the Board and the analysis of other available information, to establish salable and reserve percentages for almonds during a crop year. To aid the Secretary in fixing the salable and reserve percentages, section 981.49 of the order requires the Board to submit information to the Department on estimates of the marketable production of almonds, combined domestic and export trade demand for the year, carryin inventory at the beginning of the year, and the desirable carryover inventory at the end of the year. Authority for the Board to recommend revisions in the volume regulation percentages is provided in section 981.48 of the order. Such revisions must be recommended by May 15.

The Board met in July of 1994 to review projected crop estimates and marketing conditions for the 1994–95 almond season. A very large crop of 640 million kernelweight pounds was projected for the season. Estimated shipments for the two prior seasons were 535.9 million pounds for 1992 crop almonds and 497.7 million pounds for 1993 crop almonds.

Variations in production from season-to-season can cause wide fluctuations in prices. For example, the Board estimated that grower prices increased from $1.26 per pound for 1992 crop almonds to $2.00 per pound for the smaller, 1993 crop almonds. The large 1994 California almond crop estimate caused early speculation of grower prices in the $1.15 per pound range. Such swings in supplies and price levels can result in market instability and uncertainty for growers, handlers, buyers, and consumers. The long term goal of the almond industry is to increase almond consumption and demand, and the Board believes this is best achieved in the presence of stable and orderly market conditions. Thus, the Board recommended that the volume regulation provisions of the order be utilized for the 1994–95 season as a supply management tool, with 10 percent of the 1994 crop almonds being held by handlers as a reserve.

On May 12, 1995, the Board met in Modesto, California, and unanimously recommended releasing the reserve established for the 1994–95 crop year. Thus, the salable percentage will increase from 90 to 100 percent and the reserve percentage will decrease from 10 to 0 percent. The Board considered a number of factors in arriving at its recommendation to release the reserve. The 1994–95 almond crop is now estimated at 727 million pounds, far above the initial 640 million pound estimate. Shipments for the year are expected to exceed 600 million pounds. Further, it appears that production in the rest of the world is well below normal. Production in Spain, the world's second largest producer of almonds, fell well below usual and is estimated to have been about 75 million pounds. Spain, California's biggest competitor in the world almond markets, became the United States' fourth largest export market.

At the meeting, the Board also considered a crop estimate for California almonds for the 1995–96 season provided by the California Agricultural Statistics Service (CASS). CASS released its crop estimate of 430 million kernelweight pounds on May 11. The estimate is relatively small compared with normal almond production for a year. An extremely wet spring that prohibited successful pollination of almond trees during the critical bloom period as well as crop losses due to trees having been blown over by high winds have resulted in the predicted small yield in California. Very short carryin inventories of 1993 crop almonds into the current season combined with reduced production from California competitors resulted in higher than anticipated demand for California almonds.

As required under the order, the Board revised a number of estimates that had been considered when volume regulation was first recommended in July 1994. The Board's current estimates of marketable supply, combined domestic and export trade demand for 1994–95, and desirable carryover to be available for the 1995–96 crop year are shown below. The Board considered these revised estimates in arriving at its recommendation to release the 1994–95 reserve. The estimates used by the Board to establish the original volume regulations for the year are shown for comparison.

MARKETING POLICY ESTIMATES—1994 CROP

[Kernelweight basis in millions of pounds]

	12/9/94 Initial estimates	5/12/95 Revised estimates
Estimated Production:		
1. 1994 Production	640.0	727.1
2. Loss and Exempt—3.0%	19.2	21.8
3. Marketable Production	620.8	705.3
Estimated Trade Demand:		
4. Domestic	175.0	152.8
5. Export	381.4	449.0
6. Total	556.4	601.8
Inventory Adjustment:		
7. Carryin 7/1/94	99.6	102.6
8. Desirable Carryover 6/30/95	100.0	206.1
9. Adjustment (Item 8 minus item 7)	0.4	103.5
Salable/Reserve:		
10. Adjusted Trade Demand (Item 6 plus item 9)	556.8	705.3
11. Reserve (Item 3 minus item 10)	64.0	0
12. Salable % (Item 10 divided by item 3×100)	90%	100.0
13. Reserve % (100% minus item 12)	10%	0

As previously mentioned and reflected in the table, estimated almond crop production for the 1994–95 season increased from 640 to 727.1 million kernelweight pounds. Estimated weight losses resulting from the removal of inedible kernels by handlers and losses during manufacturing also increased from 19.2 to 21.8 million kernelweight pounds. Therefore, marketable production is expected at 705.3 million kernelweight pounds.

The Board's estimated trade demand (or shipments) also increased from 556.5 million kernelweight pounds to a total of 601.8 kernelweight pounds. If the estimates are achieved, this would set a new record for the California almond industry. Although estimated domestic trade demand decreased from 175 to 152.8 million kernelweight pounds, estimated export trade demand increased sharply from 381.4 to 449 million kernelweight pounds. Almond production in the rest of the world was well below normal, contributing to a significant increase in the amount of California almonds shipped into export markets.

The Board also revised its inventory estimates. The carryin figure—supplies of salable almonds carried in from the 1993–94 crop year—was slightly revised from 99.6 to 102.6 million kernelweight pounds. The desirable carryout figure—supplies of salable almonds to be carried out on June 30 for early season shipment during the 1995–96 crop year—was revised from 100 to 206.1 million kernelweight pounds. With the projected short crop for the upcoming season, the carryout figure was significantly increased to provide a more adequate supply of almonds available to meet early market needs. After taking into account the carryin and desirable carryover figures, the adjusted trade demand was increased from 556.8 to 705.3 million kernelweight pounds, an amount equal to the Board's estimate of marketable production.

The order also permits the Board to recommend the establishment of a percentage of reserve almonds that can be exported. However, export is currently the largest market for California almonds and is not considered a secondary or noncompetitive outlet. For the 1994–95 crop year, exports were included in the trade demand and the export market was not an authorized reserve outlet. The percentage of reserve almonds available for export was established at 0 percent in the final rule previously cited that established volume regulation for the 1994–95 crop. The export percentage is not changed as a result of this action.

The Board believes that immediate release of the reserve will positively impact market stability by increasing the amount of almonds available to the market prior to the harvest of the 1995 crop, and by augmenting the overall supply available for the upcoming season. This action is expected to facilitate a smooth transition into the 1995–96 season. Since market stability is of paramount importance in achieving long-term industry health, the Board concluded that there are no viable alternatives to its recommendation.

This action is not expected to impose any additional costs on handlers or producers because immediate release of the reserve will eliminate the need for handlers to continue to store almonds and will allow the product to enter an eager market in a smooth fashion. Therefore, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic effect on a substantial number of small entities.

After consideration of all relevant material presented, including the Board's recommendation, and other available information, it is found that revision of section 981.239 so as to change the salable percentage from 90 to 100 percent and the reserve percentage from 10 to 0 percent will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule relaxes requirements currently in effect by increasing the quantity of almonds that may be marketed; (2) this rule was discussed at a public meeting and interested persons had an opportunity to provide input; (3) the rule was unanimously recommended by the Board; and (4) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Note: This section will not appear in the Code of Federal Regulations.

Subpart—Salable, Reserve, and Export Percentages

2. Section 981.239 is revised to read as follows:

§ 981.239 Salable, reserve, and export percentages for almonds during the crop year beginning on July 1, 1994.

The salable, reserve, and export percentages during the crop year beginning on July 1, 1994, shall be 100 percent, 0 percent, and 0 percent, respectively beginning on May 25, 1995.

Dated: May 25, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–13339 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–02–P

Commodity Credit Corporation

7 CFR Part 1468

RIN 0560–AD40

Support Prices for Shorn Wool, Wool on Unshorn Lambs, and Mohair for the 1995 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The National Wool Act of 1954, as amended (Wool Act), requires the Secretary of Agriculture, through the Commodity Credit Corporation (CCC), to make loans and payments available to producers of wool and mohair through December 31, 1995. The Wool Act further provides that, in the case of the 1995 marketing year, the payments shall be 50 percent of the amount otherwise determined in accordance with section 704(a) of the Wool Act. On September 16, 1994, CCC issued a proposed rule (59 FR 47564) with respect to the support prices for shorn wool, wool on unshorn lambs, and mohair for the 1995 marketing year. The 1995 payment rate formula for wool on unshorn lambs has been determined to be 80 percent of the difference between the 1995 support price for shorn wool and the 1995 national average market price for shorn wool, multiplied by 5 (the quantity of wool on an average 100-pound unshorn lamb). The mohair support level has been determined to be $4.657, which is

equal to 85 percent of the comparable percentage of parity at which shorn wool is supported for the 1995 marketing year. Payments to producers for the 1995 marketing year shall be 50 percent of the amount otherwise determined in accordance with section 704(a). These actions are required by sections 703 and 704 of the Wool Act.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Janise A. Zygmont, Consolidated Farm Service Agency, United States Department of Agriculture, room 3756–S, PO Box 2415, Washington, DC 20013–2415 or call 202–720–8841.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

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

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: National Wool Act Payments—10.059.

Executive Order 12778

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

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1468 set forth in this final rule will not result in any change in the public reporting burden. Therefore, the information collection requirements of the Paperwork Reduction Act are not applicable to this amendment.

Final Regulatory Impact Analysis

The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of each option is available on request from the above-named individual.

Background

This final rule amends 7 CFR part 1468 to set forth determinations with respect to the support prices for shorn wool, wool on unshorn lambs, and mohair for the 1995 marketing year. Shorn wool, unshorn lamb, and mohair payments to producers will be reduced by 50 percent of the amount otherwise determined under the Wool Act as required by section 704(a) of the Wool Act.

A general description of the statutory basis for such determinations in this final rule was set forth in the proposed rule at 59 FR 47564 (September 16, 1994). The proposed rule requested comments with respect to determinations for the support prices for wool on unshorn lambs and mohair. Comments were not requested concerning the support price for shorn wool because that price is determined in accordance with a formula mandated by section 703(b) of the Wool Act.

The support programs conducted pursuant to the Wool Act are subject to the provisions of the Balanced Budget and Deficit Reduction Act of 1985, as amended. As a result, the support levels announced in this rule may be recalculated to comply with this Act.

Comments

A total of 24 comments were received during the 30-day public comment period that ended October 17, 1994. Respondents included 18 wool and/or mohair producers, one producer organization, one State legislator, one peanut producer, and three others.

Mohair. Eight respondents addressed the mohair support level. Two recommended that mohair be supported at the maximum allowed by law—115 percent of the wool parity percentage or $6.300 per pound. Five recommended that mohair be supported at the 100-percent level or $5.478 per pound, and one respondent recommended either the 100 or 115 percent level. The reasons cited for these recommendations were that such support levels would:

(a) Somewhat offset the 50-percent reduction in 1995 payments required by the Wool Act and, as such, help ease the transition to the eventual elimination of the program.

(b) Lessen the negative impact of the Wool Act phase-out on those rural economies which are based on sheep and/or goats with few available employment or land use alternatives;

(c) Help maintain the infrastructure of the industry by slowing the sale of goats which has occurred in anticipation of loss of the support program. The U.S. mohair industry, which contributes to a positive U.S. trade balance, would be jeopardized if goat numbers fell below the critical mass necessary to remain viable.

These comments were considered and rejected because the level of price support determined under this rule is consistent with the intent of recent legislation to phase out support for the wool and mohair programs.

Wool on Unshorn Lambs. No comments specifically addressed the level of support for wool on unshorn lambs. The formula selected in this final rule provides a payment rate comparable to the shorn wool support price which helps to maintain normal marketing practices.

Other. Although comments were not solicited on this issue, 12 wool/mohair producers and one peanut producer offered comments relating to the Wool Act phase-out and the need for a program after 1995. Two other respondents wrote in support of the Wool Act phase-out and another expressed displeasure that the support program was still operating. It should be noted that the price support programs authorized by the Wool Act will end when the Wool Act expires on December 31, 1995.

After considering these comments, the following determinations have been made with respect to the support prices for wool on unshorn lambs and mohair for the 1995 marketing year.

Payment Rate—Wool on Unshorn Lambs. In accordance with section 703 of the Wool Act, the payment rate for wool on unshorn lambs shall be determined by multiplying 80 percent of the difference between the 1995 support price for shorn wool and the 1995 national average market price for shorn wool by 5 pounds (the quantity of wool on an average 100-pound unshorn lamb).

Support Price—Mohair. In accordance with section 703 of the Wool Act, the support price for mohair for the 1995 marketing year shall be $4.657, which is

equal to 85 percent of the comparable percentage of parity at which shorn wool is supported for the 1995 marketing year.

List of Subjects in 7 CFR Part 1468

Assistance grant programs—agriculture, Livestock, Mohair, Reporting and recordkeeping requirements, Wool.

Accordingly, 7 CFR part 1468 is amended as follows:

PART 1468—WOOL AND MOHAIR

1. The authority citation for 7 CFR part 1468 continues to read as follows:

Authority: 7 U.S.C. 1781–1787; 15 U.S.C. 714b and 714c.

2. Section 1468.4 is amended by adding paragraphs (b)(1)(ii)(E), (b)(2)(v), and (b)(3)(v) to read as follows:

§ 1468.4 Eligibility for payments.

* * * * *

(b)(1) * * *

(ii) * * *

(E) 1995—$2.12 per pound.

(2) * * *

(v) 1995—an amount equal to 80 percent of the difference between the national average price received by producers for shorn wool for the 1995 marketing year and the 1995 shorn wool support price, multiplied by 5.

(3) * * *

(v) 1995—$4.657 per pound.

* * * * *

Signed at Washington, DC, on May 24, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95–13383 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–176–AD; Amendment 39–9244; AD 95–11–11]

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, –40, and KC–10 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas DC–10 and KC–10 series airplanes, that requires repetitive eddy current inspections to detect fatigue cracking of the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas; and repair, if necessary. This amendment is prompted by fatigue cracking found in the wing pylon aft bulkheads on two airplanes. The actions specified by this AD are intended to prevent failure of the wing pylon aft bulkhead due to fatigue cracking, which could lead to separation of the engine and pylon from the airplane.

DATES: Effective July 3, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 3, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). 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 FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM–120L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5238; fax (310) 627–5210.

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 McDonnell Douglas DC–10 and KC–10 series airplanes was published in the **Federal Register** on January 18, 1995 (60 FR 3590). That action proposed to require repetitive eddy current inspections to detect fatigue cracking of the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas; and repair, if necessary.

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

One commenter supports the proposal.

Another commenter expresses concern that enough spare parts may not be available to affected operators to comply with the proposed rule. This commenter requests that the FAA require the McDonnell Douglas Corporation to stock enough spare aft bulkheads and attachment hardware prior to release of the final rule in order to accommodate operators that may need to replace cracked parts. The FAA does not concur with this request. The FAA has received no indication that a problem exists with regard to the availability of parts associated with the requirements of this AD action. This AD mandates inspections to detect cracks in various items, and repair of any items that are found to be cracked. Such repair would be required in order to keep the airplane airworthy, regardless of whether or not this AD is issued. If the availability of repair parts should become a problem, paragraph (d) of this final rule provides operators with the opportunity to request use of an alternative method of compliance with the AD until parts can be located.

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 as proposed.

There are approximately 436 Model DC–10 and KC–10 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 269 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $129,120, or $480 per airplane, per inspection cycle.

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.

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:

95–11–11 McDonnell Douglas: Amendment 39–9244. Docket 94–NM–176–AD.

Applicability: Model DC–10–10, –15, –30, –40, and KC–10 (military) series airplanes; as listed in McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994; 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 (d) 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 wing pylon aft bulkhead due to fatigue cracking, which could lead to separation of the engine and pylon from the airplane, accomplish the following:

(a) Prior to the accumulation of 1,800 landings after the effective date of this AD, conduct an eddy current inspection to detect fatigue cracks in the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas, in accordance with McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994. Repeat this inspection thereafter at intervals not to exceed 1,800 landings.

(b) If any crack(s) is found during any inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(c) Accomplishment of the gap inspection and necessary shimming in accordance with ''Phase III,'' as specified in McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994, constitutes terminating action for the inspections required by paragraph (a) of this AD.

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

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

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

(f) The inspection shall be done in accordance with McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on July 3, 1995.

Issued in Renton, Washington, on May 19, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–12826 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–194–AD; Amendment 39–9245; AD 95–11–12]

Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes, and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes, that requires repetitive replacement of the emergency power switch in the overhead switch panel with a new switch. This amendment is prompted by a report of heavy smoke in the cockpit coming from the overhead switch panel on a Model DC–9–81 series airplane. The actions specified by this AD are intended to ensure replacement of the emergency power switch when it has reached its maximum life limit; an emergency power switch that is not replaced could fail and lead to a short in the electrical circuit, which could result in a fire in the overhead switch panel and smoke in the cockpit.

DATES: Effective July 3, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 3, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Elvin Wheeler, Aerospace Engineer,

Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5344; fax (310) 627–5210.

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 McDonnell Douglas Model DC–9, DC–9–80, and C–9 (military) series airplanes, and Model MD–88 airplanes was published in the **Federal Register** on December 20, 1994 (59 FR 65518). That action proposed to require repetitively replacing the emergency power switch in the overhead switch panel with a new switch at regular intervals.

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

One commenter supports the proposed rule.

Two commenters request that the compliance time for accomplishment of the replacement be extended from the proposed 12 months to 18 months. One of these commenters states that such an extension will allow the replacement to be accomplished during a regularly scheduled maintenance check. The FAA does not concur. 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 availability of required parts and the practical aspect of installing the required replacement with a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. Since maintenance schedules vary from operator to operator, there would be no assurance that the replacement will be accomplished during that time. The manufacturer has advised that an ample number of required parts will be available for replacement of the emergency power switch on the U.S. fleet within the proposed compliance period. However, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are presented to justify such an adjustment.

Several commenters request that the compliance time for accomplishing the proposed replacement be based on switch cycle usage, rather than calendar time. Two commenters note that a compliance time based on a calendar time would impose a severe penalty on operators that cycle the switch only once a day and would also impose a somewhat lesser penalty on operators who cycle the switch on the first flight of the day and at crew changes. One commenter states that, due to the fact that the switches do not have counters to record actual switch cycles, it is critical that operators have the flexibility to establish an equivalent calendar time or airplane cycle limit based on their individual procedures for exercising these switches.

The FAA does not concur with the commenters' request to base the compliance time on switch cycles. Compliance times for AD's are normally based on a parameter related to failure of a particular component. In this case, the failure of the emergency power switch is undoubtedly related to the number of switch cycles. However, because switch cycles are not recorded, referencing switch cycles in the compliance time would make it impossible to verify compliance at the required time. Therefore, the FAA has selected a compliance time that equates to the approximate number of switch cycles specified in McDonnell Douglas DC–9 Service Bulletin 24–150, assuming that the switch is cycled once for each flight cycle. Under provisions of paragraph (b) of the final rule, however, operators may apply for the approval of an extension of the compliance time if sufficient justification is presented to the FAA. For example, such justification may consist of data demonstrating that the operator only cycles the switch once a day, or at each crew change, rather than once per flight cycle.

Since issuance of the proposal, the FAA has reviewed and approved McDonnell Douglas DC–9 Service Bulletin 24–150, Revision 1, dated April 7, 1995, which describes the appropriate procedures for repetitively replacing the emergency power switch in the overhead switch panel with a new switch at regular intervals. Therefore, the final rule has been revised to reference this revision of the service bulletin as an additional source of service information.

The FAA points out that it inadvertently used the phrase ''time-in-service'' after the term ''3 years'' in paragraph (a) of the proposal when referring to the compliance threshold for installation of the emergency power switch. Since that phrase is inappropriate, the FAA has removed it from the final rule. Likewise, the FAA has removed that phrase from the reference to the repetitive replacement interval.

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.

There are approximately 1,990 Model DC–9, DC–9–80, and C–9 (military) series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 992 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,434 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,541,568, or $1,554 per airplane, per replacement cycle.

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.

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:

95–11–12 McDonnell Douglas: Amendment 39–9245. Docket 94–NM–194–AD.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) series airplanes; Model MD–88 airplanes; and C–9 (military) series airplanes; as listed in McDonnell Douglas DC–9 Service Bulletin 24–150, dated March 28, 1994; 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 (b) 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 ensure replacement of the emergency power switch that have reached the maximum life limit, accomplish the following:

(a) Prior to the accumulation of 3 years since installation of the emergency power switch in the overhead switch panel, or within 12 months after the effective date of this AD, whichever occurs later, replace the emergency power switch with a new switch in accordance with the procedures specified in McDonnell Douglas DC–9 Service Bulletin 24–150, dated March 28, 1994, or Revision 1, dated April 7, 1995. Thereafter, replace the emergency power switch at intervals not to exceed 3 years.

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

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

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

(d) The replacement shall be done in accordance with McDonnell Douglas DC–9 Service Bulletin 24–150, dated March 28, 1994; or McDonnell Douglas DC–9 Service Bulletin 24–150, Revision 1, dated April 7, 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on July 3, 1995.

Issued in Renton, Washington, on May 22, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–12951 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–96–AD; Amendment 39–9246; AD 95–11–13]

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes Equipped With Pratt & Whitney Model PW4460 and PW4462 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 certain McDonnell Douglas Model MD–11 series airplanes. This action requires a visual inspection to detect cracks or discrepancies in the aft mount beam assembly of the engines; and replacement of the cracked or discrepant aft mount beam assembly with a new assembly, or a previously inspected and re-identified assembly. This amendment is prompted by reports of cracking in a certain aft mount beam assembly on Airbus Model A310 series airplanes. The actions specified in this AD are intended to prevent cracks in the aft mount beam assembly of the engines, which could result in loss of the capability of the aft mount beam assembly to support engine loads, and possible separation of the engine from the airplane.

DATES: Effective June 16, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 16, 1995.

Comments for inclusion in the Rules Docket must be received on or before July 31, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–96–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5324; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: The FAA has received reports of cracking in an aft mount beam assembly having part number (P/N) 221–0261–501 installed on Airbus Model A310 series airplanes. Metallurgical analysis and close examination of the cracked aft mount beam assembly has indicated this cracking is the result of physical defects, which were caused during the forging process by one supplier. Cracks in the aft mount beam assembly of the engines, if not detected and corrected in a timely

manner, could result in loss of the capability of the aft mount beam assembly to support engine loads, and possible separation of the engine from the airplane.

Aft mount beam assemblies having P/N 221–0261–501 are also installed on McDonnell Douglas Model MD–11 series airplanes equipped with Pratt & Whitney PW4460 and PW4462 engines. The FAA has determined that these airplanes are also subject to the addressed unsafe condition.

The FAA may consider similar rulemaking action that is applicable to Airbus Model A310 series airplanes on which the suspect mount beam assembly also may be installed.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–71A073, Revision 1, dated May 16, 1995, which describes procedures for a one-time visual inspection to detect cracks or discrepancies in the aft mount beam assembly, P/N 221–0261–501, of engine numbers 1, 2, and 3. This alert service bulletin also describes procedures for replacement of the cracked or discrepant aft mount beam assembly with a new assembly having P/N 221–0261–503, or a previously inspected and re-identified assembly having P/N 221–0261–501.

Since an unsafe condition has been identified that is likely to exist or develop on certain other McDonnell Douglas Model MD–11 series airplanes of the same type design, this AD is being issued to prevent loss of the capability of the aft mount beam assembly to support engine loads, and possible separation of the engine from the airplane. This AD requires a one-time visual inspection to detect cracks or discrepancies in the aft mount beam assembly of the engines; and replacement of the cracked or discrepant aft mount beam assembly with a certain new assembly, or a certain previously inspected and re-identified assembly. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

This AD also requires that operators report results of inspection findings, positive or negative, to the FAA.

The FAA is considering further rulemaking action to require fluorescent penetrant and eddy current inspections of the aft mount beam assembly, P/N 221–0261–501, of the engines within 4,000 flight cycles after accomplishing the visual inspection required by this AD. However, the proposed compliance time for the one-time visual inspection is sufficiently long so that notice and time for public comment would not be impracticable.

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.

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 shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–96–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

95–11–13 McDonnell Douglas: Amendment 39–9246. Docket 95–NM–96–AD.

Applicability: Model MD–11 series airplanes, equipped with Pratt & Whitney Model PW4460 and PW4462 engines; as listed in McDonnell Douglas Alert Service Bulletin MD11–71A073, Revision 1, dated May 16, 1995; 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 (d) 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 loss of the capability of the aft mount beam assembly to support engine loads, and possible separation of the engine from the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a visual inspection to detect cracks or discrepancies in the aft mount beam assembly, part number (P/N) 221–0261–501, of engine numbers 1, 2, and 3, in accordance with McDonnell Douglas Alert Service Bulletin MD11–71A073, Revision 1, dated May 16, 1995.

(1) If no cracks or discrepancies are detected, no further action is required by this AD.

(2) If any crack or discrepancy is detected, prior to further flight, replace the cracked or discrepant aft mount beam assembly with a new assembly having P/N 221–0261–503, or an assembly having P/N 221–0261–501 that has been previously inspected and re-identified, in accordance with paragraph 3.B., Phase 2, of the Accomplishment Instructions of the alert service bulletin. Replacement shall be accomplished in accordance with the procedures specified in the alert service bulletin.

(b) Within 10 days after accomplishing the inspection required by this AD, report inspection results, positive or negative, to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712; fax (310) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(c) As of the effective date of this AD, no person shall install an aft mount beam assembly, P/N 221–021–501, on any airplane, unless it has been previously inspected and re-identified in accordance with the paragraph 3.B., Phase 2, of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11–71A073, Revision 1, dated May 16, 1995.

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

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

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

(f) The inspection, replacement, and re-identification shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–71A073, Revision 1, dated May 16, 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 16, 1995.

Issued in Renton, Washington, on May 22, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–12950 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 90–CE–67–AD; Amendment 39–9250; AD 95–11–17]

Airworthiness Directives; Jetstream Aircraft Limited (Formerly British Aerospace, Regional Aircraft Limited) Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 90–13–12, which currently requires modifying the airplane electrical system and revising the emergency procedures section of the Airplane Flight Manual (AFM) on certain Jetstream Aircraft Limited (JAL) Jetstream Models 3101 and 3201 airplanes. This action retains the requirements of AD 90–13–12 for those airplanes that do not have modified inverters installed and the inverted transfer function restored. The Federal Aviation Administration (FAA) has determined that installing modified inverters along with restoring the inverter transfer function corrects the problems in the power supply addressed by AD 90–13–12. The actions specified by this AD are intended to prevent alternating current system failures, which, if not detected and corrected, could result in damage to the airplane navigational systems.

DATES: Effective July 19, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 19, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029; telephone (703) 406–1161; facsimile (703) 406–1469. 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. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 513.3830; facsimile (322) 230.6899; or Mr. Sam Lovell, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6934; 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 certain JAL Models 3101 and 3201 airplanes was published in the **Federal Register** on February 10, 1995 (60 FR 7922). The action proposed to supersede AD 90–13–12 with a new AD that would (1) retain the requirements of modifying

the airplane electrical system and revising the emergency procedures section of the AFM required by AD 90–13–12; and (2) require these modification and revisions only for those airplanes that do not have modified inverters, P/N 1B350–1B1–3, installed in accordance with the instructions in Jetstream Service Bulletin (SB) 24–JM 7740, dated November 15, 1990, and do not have the inverter transfer function restored in accordance with the instructions in Jetstream SB 24–JA 900941, dated November 14, 1990; or Jetstream SB 24–JA 900941, Revision 1, dated February 18, 1992. Accomplishment of the proposed airplane electrical modifications would be in accordance with Jetstream Alert Service Bulletin (ASB) 24–A–JA 900443, Revision 1, dated May 1, 1990; and Jetstream ASB 24–A–JM 7708, Revision 1, dated May 22, 1990.

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 and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 180 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 10 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $108,000. This figure is based on the assumption that no affected owner/operator has accomplished the required modification.

Since AD 90–13–12, which this AD supersedes, requires the same actions (except for a limit in the airplane applicability), there is no additional cost of this AD on U.S. operators. The $28,800 cost difference between this AD (estimated $108,000) and superseded AD 90–04–04 (estimated $79,200) is a result of inflationary costs used in determining the costs of labor ($60 per hour as opposed to $40 per hour).

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 removing AD 90–13–12, Amendment 39–6629 (55 FR 23890, June 13, 1990), and adding a new AD to read as follows:

95–11–17 Jetstream Aircraft Limited: Amendment 39–9250; Docket No. 90–CE–67–AD. Supersedes AD 90–13–12, Amendment 39–6629.

Applicability: Jetstream Models 3101 and 3201 airplanes (serial numbers 697 through 904), certificated in any category, that do not have the following:

1. Two modified inverters, part number (P/N) 1B350–1B1–3, installed in accordance with the instructions in Jetstream Service Bulletin (SB) 24–JM 7740, dated November 15, 1990; and

2. The inverter transfer function restored in accordance with the instructions in Jetstream SB 24–JA 900941, dated November 14, 1990; or Jetstream SB 24–JA 900941, Revision 1, dated February 18, 1992.

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) 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 airplane from the applicability of this AD.

Compliance: Required as indicated, unless already accomplished (compliance with superseded AD 90–13–12).

To prevent alternating current system failures, which, if not detected and corrected, could result in damage to the airplane navigational systems, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, modify the airplane electrical system and revise the emergency procedures section of the airplane flight manual in accordance with the instructions in Jetstream Alert Service Bulletin (ASB) 24–A–JA 900443, Revision 2, dated November 15, 1990, Section 2, ACCOMPLISHMENT INSTRUCTIONS; and APPENDIX C.

(b) Within the next 100 hours TIS after the effective date of this AD, modify the airplane electrical system in accordance with the instructions in Jetstream ASB 24–A–JM 7708, Revision 1, dated May 22, 1990, and revise the emergency procedures section of the airplane flight manual in accordance with the instructions in Jetstream ASB 24–A–JA 900443, Revision 2, dated November 15, 1990, APPENDIX C; or the following Advance Amendment Bulletins (AAB), as applicable:

Model	Publication
3101 ..	AFM HP.4.10, Jetstream AAB number 6 with at least issue 1 status; and AFM HP.4.10, Jetstream AAB number 4 with at least issue 2 status.
3201 ..	AFM HP.4.16, Jetstream AAB number 2 with at least issue 2 status, and removal of Jetstream AAB number 2, issue 1.

Note 2: Compliance with a previous revision level of the service information referenced in this AD fulfills the applicable requirements of this AD and is considered ''unless already accomplished'' for that portion of the AD.

(c) Replacement of both inverters, P/N 1B350–1B1–2, with modified inverters P/N

1B350–1B1–3 in accordance with the ''ACCOMPLISHMENT INSTRUCTIONS'' section of Jetstream SB 24–JM 7740, dated November 15, 1990, and restoration of the inverter transfer function in accordance with Jetstream ASB 24–JA 900941, dated November 14, 1990; or Jetstream ASB 24–JA 900941, Revision 1, dated February 18, 1992, is considered terminating action for the requirements of this AD.

(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 airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office ACO, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

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

(f) The modifications required by this AD shall be done in accordance with Jetstream Alert Service Bulletin 24–A–JA 900443, Revision 2, dated November 15, 1990, and Jetstream Alert Service Bulletin 24–A–JM 7708, Revision 1, dated May 22, 1990. 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 Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041–6029. 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.

(g) This amendment (39–9250) supersedes AD 90–13–12, Amendment 39–6629.

(h) This amendment (39–9250) becomes effective on July 19 1995.

Issued in Kansas City, Missouri, on May 23, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–13120 Filed 5–31–95; 8:45 am]

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14 CFR Part 97

[Docket No. 28226; Amdt. No. 1665]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

The Rule

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a

''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on May 19, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

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

** * *Effective June 22, 1995*

Mountain Home, ID, Mountain Home Muni, NDB or GPS RWY 28, Amdt 2
Chicago, IL, Chicago-O'Hare Intl, NDB, RWY 32R, Amdt 19, Cancelled
Chicago, IL, Chicago-O'Hare Intl, ILS, RWY 32R, Amdt 21
Kansas City, MO, Kansas City Intl, LOC BC RWY 27, Amdt 12
Jaffrey, NH, Jaffrey Muni-Silver Ranch, VOR–A, Amdt 7
Antigo, WI, Langlade County, NDB or GPS RWY 16, Amdt 4
Cottage Grove, WI, Blackhawk Field, VOR or GPS–A, Orig, Cancelled
La Crosse, WI, La Crosse Muni, VOR RWY 13, Amdt 28
La Crosse, WI, La Crosse Muni, VOR or GPS RWY 36, Amdt 29
La Crosse, WI, La Crosse Muni, NDB or GPS RWY 18, Amdt 17
La Crosse, WI, La Crosse Muni, ILS RWY 18, Amdt 17
Madison, WI, Blackhawk Airfield, VOR or GPS–A, Orig

** * *Effective July 20, 1995*

Lincoln, CA, Lincoln Regional, VOR or GPS RWY 15, Amdt 4
Rio Vista, CA, Rio Vista Muni, VOR–A, Orig
Arco, ID, Arco-Butte County, NDB–A, Orig
Hopkinsville, KY, Hopkinsville-Christian County, LOC RWY 26, Amdt 3
Hopkinsville, KY, Hopkinsville-Christian County, NDB RWY 26, Amdt 6
Slidell, LA, Slidell, GPS RWY 36, Orig
Ord, NE, Evelyn Sharp Field, NDB or GPS RWY 13, Amdt 13
Zuni Pueblo, NM, Black Rock, VOR/DME or GPS RWY 7, Amdt 1
Charlotte, NC, Charlotte/Douglas Intl, VOR/DME RNAV RWY 23, Orig
Mt. Airy, NC, Mt. Airy-Surry County, NDB or GPS–A, Amdt 2A, CANCELLED
Wauseon, OH, Fulton County, NDB or GPS RWY 27, Amdt 7
Oklahoma City, OK, Sundance Airpark, VOR/DME RNAV or GPS RWY 35, Amdt 1
Hot Springs, VA, Ingalls Field, NDB RWY 24, Amdt 5, CANCELLED
Sturgeon Bay, WI, Door County Cherryland, SDF RWY 1, Amdt 6
Sturgeon Bay, WI, Door County Cherryland, NDB or GPS RWY 1, Amdt 10

** * *Effective Upon Publication*

Chambersburg, PA, Chambersburg Muni, VOR/DME or GPS–B, Amdt 1

[FR Doc. 95–13398 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28227; Amdt. No. 1666]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

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

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

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

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

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

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on May 19, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

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

* * * Effective Upon Publication

FDC Date	State	City	Airport	FDC No.	SIAP
04/26/95	FL	Miami	Opa Locka	5/1819	ILS RWY 9L, AMDT 2A...
05/03/95	DC	Washington	Washington National	5/1968	ILS RWY 36 AMDT 38...
05/03/95	FL	Jacksonville	Jacksonville Intl	5/1954	ILS RWY 13, AMDT 4...
05/03/95	MD	Baltimore	Baltimore-Washington	5/1969	ILS RWY 10 AMDT 15...
05/03/95	NY	New York	John F. Kennedy Intl	5/1958	ILS RWY 13L AMDT 14...
05/03/95	NY	Rochester	Greater Rochester Intl	5/1962	ILS RWY 4 AMDT 16...
05/03/95	PA	Philadelphia	Philadelphia Intl	5/1963	ILS RWY 9R AMDT 7...
05/03/95	PA	Pittsburgh	Pittsburgh Intl	5/1964	ILS RWY 10L AMDT 22...
05/03/95	VA	Richmond	Richmond Intl	5/1967	ILS RWY 34 AMDT 12...
05/04/95	IL	Chicago	Chicago O'Hare Intl	5/1992	ILS RWY 14R, AMDT 29, ILS RWY 14R (CAT II) AMDT 29, ILS RWY 14R (CAT III) AMDT 29...
05/04/95	IL	Chicago	Chicago O'Hare Intl	5/1993	ILS RWY 14L, AMDT 28, ILS RWY 14L (CAT II), ILS RWY 14L (CAT III) AMDT 28...
05/04/95	NE	Omaha	Eppley Airfield	5/1995	ILS RWY 14R AMDT 3A...
05/04/95	NV	Ely	Ely Airport-Yelland Field	5/1996	VOR/DME OR GPS–C AMDT 1...
05/04/95	OH	Bellefontaine	Bellefontaine Muni	5/1986	VOR/DME RNAV RWY 22 AMDT 5...
05/05/95	NY	New York	John F. Kennedy Intl	5/2007	ILS RWY 4R AMDT 28A...
05/09/95	CA	Oakland	Metropolitan Oakland Intl	5/2071	ILS RWY 29 AMDT 22B...
05/09/95	CA	San Francisco	San Francisco Intl	5/2077	ILS RWY 28R AMDT 9...
05/09/95	NC	Morganton	Morganton-Lenoir	5/2068	LOC RWY 3, Orig...
05/09/95	VA	South Boston	William M. Tuck	5/2069	VOR OR GPS–A AMDT 6...
05/10/95	NE	Kearney	Kearney Muni	5/2094	VOR RWY 36 AMDT 9A...

FDC Date	State	City	Airport	FDC No.	SIAP
05/10/95	OK	Oklahoma City	Will Rogers World	5/2088	ILS RWY 35R AMDT 8...
05/10/95	OR	Portland	Portland Intl	5/2072	ILS RWY 10R AMDT 29A...
05/10/95	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	5/2081	ILS RWY 17L AMDT 5A...
05/10/95	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	5/2082	CONVERGING ILS RWY 18R AMDT 2...
05/10/95	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	5/2084	ILS RWY 18R AMDT 4...
05/10/95	TX	Dallas-Fort Worth	Dallas Fort Worth Intl	5/2086	CONVERGING ILS RWY 17L AMDT 3...
05/10/95	WA	Seattle	Seattle-Tacoma Intl	5/2075	ILS RWY 16R AMDT 11A...
05/10/95	WA	Spokane	Seattle-Intl	5/2074	ILS RWY 21 AMDT 18A...
05/11/95	PA	Meadville	Port Meadville	5/2106	LOC RWY 25 AMDT 3...
05/12/95	AK	Fairbanks	Fairbanks Intl	5/2132	ILS RWY 1L, AMDT 6, CAT I, II, III...
05/12/95	MS	Raymond	Raymond/John Bell Williams	5/2128	NDB OR GPS RWY 12 ORIG...
05/16/95	NC	Raleigh/Durham	Raleigh-Durham Intl	5/2187	ILS RWY 5L AMDT 3A...
05/17/95	DC	Washington	Washington Dulles Intl	5/2199	ILS RWY 1R AMDT 21A...

[FR Doc. 95–13399 Filed 5–31–95; 8:45 am]
BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Part 320

RIN 3220–AB06

Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals From Such Determinations

AGENCY: Railroad Retirement Board.

ACTION: Interim final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations under the Railroad Unemployment Insurance Act (RUIA) to enlarge the authority of Board district offices to make initial determinations on claims for benefits under the RUIA.

EFFECTIVE DATE: June 1, 1995.

ADDRESSES: Submit comments to: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4513, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 320.6 of the Board's regulations defines the term ''adjudicating office'' and prescribes the extent of the authority of each such office to make determinations on claims for benefits under the RUIA. Currently, § 320.6(b) authorizes Board district offices to make initial determinations only with respect to certain issues of eligibility for unemployment benefits under the RUIA. Those determination are made on applications and claims for unemployment benefit received in connection with an employee's registration for unemployment benefits under part 325 of this chapter.

Board district offices have not heretofore been authorized to make determinations on claims for sickness benefits under the RUIA. However, since sickness benefit claimants now file their claims with district offices as part of an agency effort to improve the timeliness of claims processing, the Board is authorizing district offices to make determinations on two issues that often affect eligibility for sickness benefits. The first issue is whether the claimant has filed his or her claim for sickness benefits within the time limit prescribed in § 335.4(c) of part 335 of this chapter; the second issue is whether the claimant has received any form of remuneration, as defined in part 322 of this chapter, with respect to any day claimed as a day of sickness within the 14-day calendar period covered by the claim. Previously, these determinations were made only in the Division of Program Operations of the Bureau of Unemployment and Sickness Insurance. Authorizing Board district offices to make these two types of determinations will expedite the processing and payment of sickness benefits to those persons found properly entitled to payment.

The Board is publishing these amendments as a final rule because the amendments represent organizational changes only and do not affect the substantive rights of any person claiming sickness benefits under the RUIA. However, any person wishing to comment on the amendments may do so within 30 days of the date of this publication in the **Federal Register**.

The Board has determined, with the concurrence of the Office of Management and Budget, that this is not a significant regulatory action for purposes of Executive Order 12866. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 320

Railroad employees, Railroad unemployment benefits.

For the reasons set out in the preamble, title 20, chapter II, part 320 of the Code of Federal Regulations is amended as follows:

PART 320—INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

1. The authority citation for part 320 continues to read as follows:

Authority: 45 U.S.C. 355 and 362(1).

2. Section 320.6 is amended by revising paragraphs (b) and (d) to read as follows:

§ 320.6 Adjudicating office.

* * * * *

(b) *District offices.* Board district offices are authorized to make initial determinations on the following issues relating to eligibility for unemployment or sickness benefits, as the case may be:

(1) Availability for work;

(2) Voluntary leaving of work, with or without good cause;

(3) Failure to accept work or apply for work or failure to report to an employment office;

(4) Timely registration for unemployment benefits under § 325.2 of this chapter and timely filing of claims for sickness benefits under § 335.4(c) of this chapter;

(5) Receipt of remuneration for claimed days of unemployment or sickness, as the case may be;

(6) Mileage or work restrictions and stand-by or lay-over rules;

(7) Whether the claimant's unemployment is due to a strike.

* * * * *

(d) *Division of Program Operations.* The Division of Program Operations,

Bureau of Unemployment and Sickness Insurance, is authorized to make initial determinations on all issues of eligibility for unemployment and sickness benefits as set forth in paragraphs (b) and (c) of this section, and on any other issue not reserved to the Director by paragraph (e) of this section.

* * * * *

Dated: May 23, 1995.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95–13297 Filed 5–31–95; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF THE TREASURY

31 CFR Part 0

Employee Rules of Conduct

AGENCY: Department of the Treasury.

ACTION: Interim rule.

SUMMARY: The Department of the Treasury is issuing the Employee Rules of Conduct which will prescribe uniform rules of conduct and procedure for all employees and officials in the Department.

DATES: This interim rule is effective June 1, 1995. Comments must be received or postmarked on or before July 3, 1995.

ADDRESSES: Comments should be submitted to the Office of the Assistant General Counsel (General Law and Ethics), Department of the Treasury, Room 1410, Washington, DC 20220, Attention: Mr. R. Peter Rittling or by e-mail at the following address Peter.Rittling@treas.sprint.com.

FOR FURTHER INFORMATION CONTACT: Stephen J. McHale, Henry H. Booth, or R. Peter Rittling, Office of the Assistant General Counsel (General Law and Ethics), Department of the Treasury, telephone (202) 622–0450, FAX (202) 622–1176, e-mail Peter.Rittling@treas.sprint.com.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, the Office of Government Ethics (OGE) published the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635). The Executive Branch-wide Standards became effective on February 3, 1993, superseding many, but not all, of the Department-wide conduct rules published at 31 CFR Part 0 (see also the grace period extension at 59 FR 4779–4780, February 2, 1994). This rule making repeals part 0 in its entirety and issues a new part 0. The new part 0 includes conduct rules previously published in part 0 that were not superseded and continue to be important to the efficient functioning of the Department. Many of the regulations included in the Rules of Conduct have been revised pursuant to changes in the law or Department policy.

Simultaneously, in a separate rule making, the Department is issuing as a final rule the Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury. The Supplemental Standards, to be codified at 5 CFR chapter XXI, prescribe Department-specific ethics regulations supplemental to the Executive Branch-wide Standards.

II. Analysis of the Regulations

Subpart A—General Provisions

The provisions contained in subpart A state the policy and purpose of the Rules of Conduct and the responsibilities of the Department's employees and officials in implementing and complying with the included regulations. Subpart A also includes a definitional section. The United States Savings Bonds Division is omitted from the definition of Bureau in § 0.103 because it was assumed into the Bureau of the Public Debt and no longer exists as a separate component of the Department.

Subpart B—Rules of Conduct

Subpart B sets out the conduct regulations that all Department employees and officials are required to follow. Generally, the rules regulate employee conduct including, for example, the use of Government vehicles or the use of controlled substances and intoxicants while an employee is on duty or on Government property. Regulations concerning conflicts of interest and ethics are contained in the Executive Branch-wide Standards and the Treasury Supplemental Standards.

Subpart C—Special Government Employees

Section 0.301 of subpart C explains that, with little variation, special Government employees employed with the Department are required to comply with the Rules of Conduct to the same degree as regular employees. Further, § 0.303 requires a special Government employee, serving concurrently with another Federal agency, to inform the Department of that fact so that the Department may take the appropriate administrative actions and avoid any conflict in duties or remuneration.

Subpart D—Advisers to the Department

Subpart D includes a definition of adviser to the Department and instructs individuals uncertain about their relationship with the Department to seek advice from the appropriate ethics official. Further, § 0.401(b) explains that it is the Department's policy that advisers should refer to the Rules of Conduct for guidance when working with the Department even though they are not required to follow the Rules.

III. Matters of Regulatory Procedure

Administrative Procedure Act

The Department finds that good cause exists for waiving the notice and comment requirements contained in 5 U.S.C. 553(b) and (d). The Department of the Treasury Employee Rules of Conduct contain statements of policy, interpretive rules, and conduct regulations relating solely to agency management and personnel. Moreover, this rule making essentially reissues in revised form many of the conduct rules previously published in 31 CFR Part 0. However, because this rule may be improved, comments may be submitted on or before July 3, 1995. All comments will be analyzed and any appropriate changes to the rule will be incorporated in the subsequent publication of the final rule.

Executive Order 12866, Regulatory Planning and Review

This rule is limited to agency organization, management and personnel matters; therefore, it is not subject to Executive Order 12866.

Regulatory Flexibility Act

It is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only Federal employees.

List of Subjects in 31 CFR Part 0

Government employees.

Dated: January 29, 1995.

Edward S. Knight,

General Counsel, Department of the Treasury.

For the reasons set forth in the preamble, 31 CFR part 0 is revised to read as follows:

PART 0—DEPARTMENT OF THE TREASURY EMPLOYEE RULES OF CONDUCT

Subpart A—General Provisions

Sec.

0.101 Purpose.
0.102 Policy.
0.103 Definitions.

Responsibilities

0.104 Designated Agency Ethics Official and Alternate Designated Agency Ethics Official.
0.105 Deputy Ethics Official.
0.106 Bureau Heads.
0.107 Employees.

Subpart B—Rules of Conduct

0.201 Political activity.
0.202 Strikes.
0.203 Gifts or gratuities from foreign governments.
0.204 Use of controlled substances and intoxicants.
0.205 Care of documents and data.
0.206 Disclosure of information.
0.207 Cooperation with official inquiries.
0.208 Falsification of official records.
0.209 Use of Government vehicles.
0.210 Conduct while on official duty or on Government property.
0.211 Soliciting, selling and canvassing.
0.212 Influencing legislation or petitioning Congress.
0.213 General conduct prejudicial to the Government.
0.214 Nondiscrimination.
0.215 Possession of weapons and explosives.
0.216 Privacy Act.
0.217 Personal financial interests.

Subpart C—Special Government Employees

0.301 Applicability of subpart B.
0.302 Service with other Federal agencies.

Subpart D—Advisers to the Department

0.401 Advisers to the Department.

Authority: 5 U.S.C. 301.

Subpart A—General Provisions

§ 0.101 Purpose.

(a) The Department of the Treasury Employee Rules of Conduct (Rules) are separate from and additional to the Standards of Ethical Conduct for Employees of the Executive Branch (Executive Branch-wide Standards) (5 CFR part 2635) and the Supplemental Standards of Ethical Conduct for Employees of the Department of the Treasury (Treasury Supplemental Standards) (to be codified at 5 CFR part 3101). The Rules prescribe employee rules of conduct and procedure and provide for disciplinary action for the violation of the Rules, the Treasury Supplemental Standards, the Executive Branch-wide Standards, and any other rule, regulation or law governing Department employees.

(b) The Rules are not all-inclusive and may be modified by interpretive guidelines and procedures issued by the Department's bureaus. The absence of a specific published rule of conduct covering an action does not constitute a condonation of that action or indicate that the action would not result in corrective or disciplinary action.

§ 0.102 Policy.

(a) All employees and officials of the Department are required to follow the rules of conduct and procedure contained in the Rules, the Treasury Supplemental Standards, the Executive Branch-wide Standards of Ethical Conduct, the Employee Responsibilities and Conduct (5 CFR part 735), and any bureau issued rules.

(b) Employees found in violation of the Rules, the Treasury Supplemental Standards, the Executive Branch-wide Standards or any applicable bureau rule may be instructed to take remedial or corrective action to eliminate the conflict. Remedial action may include, but is not limited to:

(1) Reassignment of work duties;

(2) Disqualification from a particular assignment;

(3) Divestment of a conflicting interest; or

(4) Other appropriate action.

(c) Employees found in violation of the Rules, the Treasury Supplemental Standards, the Executive Branch-wide Standards or any applicable bureau rule may be disciplined in proportion to the gravity of the offense committed, including removal. Disciplinary action will be taken in accordance with applicable laws and regulations and after consideration of the employee's explanation and any mitigating factors. Further, disciplinary action may include any additional penalty prescribed by law.

§ 0.103 Definitions.

The following definitions are used throughout this part: (a) Adviser means a person who provides advice to the Department as a representative of an outside group and is not an employee or special Government employee as those terms are defined in § 0.103.

(b) Bureau means:

(1) Bureau of Alcohol, Tobacco and Firearms;

(2) Bureau of Engraving and Printing;

(3) Bureau of the Public Debt;

(4) Departmental Offices;

(5) Federal Law Enforcement Training Center;

(6) Financial Management Service;

(7) Internal Revenue Service;

(8) Legal Division;

(9) Office of the Comptroller of the Currency;

(10) Office of the Inspector General;

(11) Office of Thrift Supervision;

(12) United States Customs Service;

(13) United States Mint;

(14) United States Secret Service; and

(15) Any organization designated as a bureau by the Secretary pursuant to appropriate authority.

(c) *Person* means an individual, corporation and subsidiaries it controls, company, association, firm, partnership, society, joint stock company, or any other organization or institution as specified in 5 CFR 2635.102(k).

(d) *Regular employee* or *employee* means an officer or employee of the Department of the Treasury but does not include a special Government employee.

(e) *Special Government employee* means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period. See 18 U.S.C. 202(a).

Responsibilities

§ 0.104 Designated Agency Ethics Official and Alternate Designated Agency Ethics Official.

The Deputy General Counsel is the Department's Designated Agency Ethics Official (DAEO). The DAEO is responsible for managing the Department's ethics program, including coordinating ethics counseling and interpreting questions of conflicts of interest and other matters that arise under the Executive Branch-wide Standards and Treasury Supplemental Standards and Rules. See 5 CFR 2638.203. The Senior Counsel for Ethics is the Alternate Designated Agency Ethics Official.

§ 0.105 Deputy Ethics Official.

The Chief Counsel or Legal Counsel for a bureau, or a designee, is the Deputy Ethics Official for that bureau. The Legal Counsel for the Financial Crimes Enforcement Network is the Deputy Ethics Official for that organization. It is the responsibility of the Deputy Ethics Official to give authoritative advice and guidance on conflicts of interest and other matters arising under the Executive Branch-wide Standards, Treasury Supplemental Standards, and the Rules.

§ 0.106 Bureau Heads.

Bureau heads or designees are required to:

(a) Provide all employees with a copy of Executive Order 12674, as amended by Executive Order 12731, the Executive Branch-wide Standards, the Treasury Supplemental Standards and the Rules; provide all new employees with an explanation of the contents and application of the Executive Branch-wide Standards, Treasury Supplemental Standards and the Rules; and provide all departing employees with an explanation of the applicable post-employment restrictions contained in 18

U.S.C. 207 and 5 CFR part 2641 and any other applicable law or regulation.

(b) Provide guidance and assistance to supervisors and employees in implementing and adhering to the rules and procedures included in the Executive Branch-wide Standards and Treasury Supplemental Standards and Rules; obtain any necessary legal advice or interpretation from the Designated Agency Ethics Official or a Deputy Ethics Official; and inform employees as to how and from whom they may obtain additional clarification or interpretation of the Executive Branch-wide Standards, Treasury Supplemental Standards, Rules, and any other relevant law, rule or regulation.

(c) Take appropriate corrective or disciplinary action against an employee who violates the Executive Branch-wide Standards, Treasury Supplemental Standards or Rules, or any other applicable law, rule or regulation, and against a supervisor who fails to carry out his responsibilities in taking or recommending corrective or disciplinary action when appropriate against an employee who has committed an offense.

§ 0.107 Employees.

(a) Employees are required to:

(1) Read and follow the rules and procedures contained in the Executive Branch-wide Standards, Treasury Supplemental Standards, and Rules;

(2) Request clarification or interpretation from a supervisor or ethics official if the application of a rule contained in the Executive Branch-wide Standards, Treasury Supplemental Standards, or Rules is not clear;

(3) Report to the Inspector General or to the appropriate internal affairs office of the Bureau of Alcohol, Tobacco and Firearms, Customs Service, Internal Revenue Service, or Secret Service, any information indicating that an employee, former employee, contractor, subcontractor, or potential contractor engaged in criminal conduct or that an employee or former employee violated the Executive Branch-wide Standards or the Treasury Supplemental Standards or Rules. Legal Division attorneys acquiring this type of information during the representation of a bureau shall report it to the appropriate Chief or Legal Counsel or the Deputy General Counsel, who shall report such information to the Inspector General or appropriate internal affairs office; and

(4) Report to the Inspector General information defined in paragraph (a)(3) of this section relating to foreign intelligence or national security, as covered in Executive Order 12356. Legal Division attorneys acquiring this type of information during the representation of a bureau shall report it to the Deputy General Counsel, who shall report such information to the Inspector General.

(b) The confidentiality of the source of the information reported to the Inspector General or the internal affairs office under this section will be maintained to the extent appropriate under the circumstances.

Subpart B—Rules of Conduct

§ 0.201 Political activity.

(a) Employees may:

(1) Take an active part in political management or in political campaigns to the extent permitted by law (5 U.S.C. 7321–7326); and

(2) Vote as they choose and express their opinions on political subjects and candidates.

(b) Employees may not use their official authority or influence to interfere with or affect election results.

(c) Employees may be disqualified from employment for knowingly supporting or advocating the violent overthrow of our constitutional form of government.

Note: The Hatch Act Reform Amendments of 1993 significantly reduced the statutory restrictions on the political activity of most Department employees. However, career members of the Senior Executive Service and employees of the Secret Service, the Internal Revenue Service, Office of Criminal Investigation, the Customs Service, Office of Investigative Programs, and the Bureau of Alcohol, Tobacco and Firearms, Office of Law Enforcement, remain subject to significant restrictions on their political activities.

§ 0.202 Strikes.

Employees shall not strike against the Government.

§ 0.203 Gifts or gratuities from foreign governments.

(a) The United States Constitution prohibits employees from accepting gifts, emoluments, offices, or titles from a foreign government without the consent of the Congress. Congress has consented to an employee accepting and retaining a gift from a foreign government that is of minimal value and offered as a souvenir or mark of courtesy, unless otherwise prohibited by bureau regulation (5 U.S.C. 7342). Minimal value is prescribed in 41 CFR part 101–49 and was set at $225.00 on the date that the Rules became effective.

(b) All gifts exceeding minimal value, the refusal of which would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, shall be accepted and deposited with the Department within sixty days of acceptance. If the gift is travel or expenses for travel taking place entirely outside the United States, it shall be reported within thirty days (see 5 U.S.C. 7342(c)(1)(B)(ii)).

(c) As used in paragraph (b) of this section, *Deposit with the Department* means delivery to the Department Gift Unit or other depository as authorized by the Treasury Directive on Foreign Gifts (Treasury Directive 61–04).

(d) All foreign gifts must be reported as prescribed in the Treasury Directive on Foreign Gifts (Treasury Directive 61–04).

§ 0.204 Use of controlled substances and intoxicants.

Employees shall not sell, use or possess controlled substances or intoxicants in violation of the law while on Department property or official duty, or use a controlled substance or intoxicant in a manner that adversely affects their work performance.

§ 0.205 Care of documents and data.

(a) Employees shall not conceal, remove, alter, destroy, mutilate or access documents or data in the custody of the Federal Government without proper authority.

(b) Employees are required to care for documents according to Federal law and regulation, and Department procedure (18 U.S.C. 2071, 5 U.S.C. 552, 552a).

(c) The term *documents* includes, but is not limited to, any writing, recording, computer tape or disk, blueprint, photograph, or other physical object on which information is recorded.

§ 0.206 Disclosure of information.

Employees shall not disclose official information without proper authority, pursuant to Department or bureau regulation. Employees authorized to make disclosures should respond promptly and courteously to requests from the public for information when permitted to do so by law (31 CFR 1.9, 1.10, and 1.28(b)).

§ 0.207 Cooperation with official inquiries.

Employees shall respond to questions truthfully and under oath when required, whether orally or in writing, and must provide documents and other materials concerning matters of official interest when directed to do so by competent Treasury authority.

§ 0.208 Falsification of official records.

Employees shall not intentionally make false, misleading or ambiguous statements, orally or in writing, in connection with any matter of official interest. Matters of official interest include among other things: Transactions with the public,

government agencies or fellow employees; application forms and other forms that serve as a basis for appointment, reassignment, promotion or other personnel action; vouchers; leave records and time and attendance records; work reports of any nature or accounts of any kind; affidavits; entry or record of any matter relating to or connected with an employee's duties; and reports of any moneys or securities received, held or paid to, for or on behalf of the United States.

§ 0.209 Use of Government vehicles.

Employees shall not use Government vehicles for unofficial purposes, including to transport unauthorized passengers. The use of Government vehicles for transporting employees between their domiciles and places of employment must be authorized by statute (See, e.g., 31 U.S.C. 1344).

§ 0.210 Conduct while on official duty or on Government property.

Employees must adhere to the regulations controlling conduct when they are on official duty or in or on Government property, including the Treasury Building, Treasury Annex Building and grounds; the Bureau of Engraving and Printing buildings and grounds; the United States Mint buildings and grounds; the grounds of the Federal Law Enforcement Training Center; and Treasury-occupied General Services Administration buildings and grounds (see 31 CFR parts 91, 407, 605, 700).

§ 0.211 Soliciting, selling and canvassing.

Employees shall not solicit, make collections, canvass for the sale of any article, or distribute literature or advertising in any space occupied by the Department without appropriate authority.

§ 0.212 Influencing legislation or petitioning Congress.

(a) Employees shall not use Government time, money, or property to petition a Member of Congress to favor or oppose any legislation. This prohibition does not apply to the official handling, through the proper channels, of matters relating to legislation in which the Department of the Treasury has an interest.

(b) Employees, individually or collectively, may petition Congress or Members of Congress or furnish information to either House of Congress when not using Government time, money or property (5 U.S.C. 7211).

§ 0.213 General conduct prejudicial to the Government.

Employees shall not engage in criminal, infamous, dishonest, or notoriously disgraceful conduct, or any other conduct prejudicial to the Government.

§ 0.214 Nondiscrimination.

(a) Employees shall not discriminate against or harass any other employee, applicant for employment or person dealing with the Department on official business on the basis of race, color, religion, national origin, sex, sexual orientation, age, or disability. Sexual harassment is a form of sex discrimination and is prohibited by this section.

(b) An employee who engages in discriminatory conduct may be disciplined under these rules. However, this section does not create any enforceable legal rights in any person.

§ 0.215 Possession of weapons and explosives.

(a) Employees shall not possess firearms, explosives, or other dangerous or deadly weapons, either openly or concealed, while on Government property or official duty.

(b) The prohibition in paragraph (a) of this section does not apply to employees who are required to possess weapons or explosives in the performance of their official duties.

§ 0.216 Privacy Act.

Employees involved in the design, development, operation, or maintenance of any system of records or in maintaining records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a), shall comply with the conduct regulations delineated in 31 CFR 1.28(b).

§ 0.217 Personal financial interests.

(a) Employees may hold the following financial interests without violating 18 U.S.C. 208(a):

(1) The stocks or bonds of a publicly traded corporation with a value of $1000 or less; and

(2) The stocks or bonds in the investment portfolio of a diversified mutual fund in which an employee has invested.

(b) The Department has found that the financial interests listed in paragraph (a) of this section are too remote and inconsequential to affect the integrity of an employee's service.

Subpart C—Special Government Employees

§ 0.301 Applicability of subpart B.

The rules of conduct contained in subpart B of this part apply to special Government employees employed with the Treasury Department. The regulations contained in § 0.201 of subpart B, concerning political activity, apply to special Government employees only on the days that they serve the Department. Treasury bureaus are responsible for informing special Government employees employed with them of the applicability of bureau specific statutes or regulations.

§ 0.302 Service with other Federal agencies.

A special Government employee serving concurrently in the Department and in a Federal agency other than the Department is required to inform the Department and the agency in which he serves of the arrangement so that appropriate administrative measures may be taken.

Subpart D—Advisers to the Department

§ 0.401 Advisers to the Department.

(a) An adviser or advisory committee member includes an individual who provides advice to the Department as a representative of an outside group and is not an employee or special Government employee of the Department. Questions concerning whether an individual serves the Department in the capacity of an adviser, employee, or special Government employee shall be addressed to the Designated Agency Ethics Official or a Deputy Ethics Official.

(b) Advisers or advisory committee members are not required to follow the Rules and are not generally required by the Department to file financial disclosure statements; nevertheless, they should be guided by the regulations in this part covering such issues as public disclosure of official information (§ 0.206), conduct (§ 0.211 and § 0.213), and gifts or gratuities from Foreign governments (§ 0.203).

[FR Doc. 95–13318 Filed 5–31–95; 8:45 am]

BILLING CODE 4810–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5213–4]

Mississippi; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Mississippi has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Mississippi's revisions consist of provisions contained in RCRA Cluster II and other provisions in Miscellaneous Clusters. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Mississippi's applications and has made a decision, subject to public review and comment, that Mississippi's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Mississippi's hazardous waste program revisions. Mississippi's applications for program revisions are available for public review and comment.

DATES: Final authorization for Mississippi's program revisions shall be effective July 31, 1995, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Mississippi's program revision applications must be received by the close of business, July 3, 1995.

ADDRESSES: Copies of Mississippi's program revision applications are available during 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Mississippi Department of Environmental Quality, 2380 Highway 80 West, P.O. Box 10385, Jackson, Mississippi 39209, (601) 961–5062; U.S. EPA, Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–2234 vmx. 2018.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act (''RCRA'' or ''the Act''), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter ''HSWA'') allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–268 and 124 and 270.

B. Mississippi

Mississippi initially received final authorization for its base RCRA program effective on June 27, 1984. Mississippi received authorization for revisions to its program on October 17, 1988, October 9, 1990, May 28, 1991, August 27, 1991, July 10, 1992, June 7, 1993, December 20, 1993, and May 17, 1994.

On July 9, 1993, Mississippi submitted program revision applications for additional program approvals. Today, Mississippi is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Mississippi's applications and has made an immediate final decision that Mississippi's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Mississippi. The public may submit written comments on EPA's immediate final decision up until July 3, 1995.

Copies of Mississippi's applications for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice. Approval of Mississippi's program revisions shall become effective July 31, 1995, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Mississippi is today seeking authority to administer the following Federal requirements promulgated on July 1, 1991–June 30, 1992, for RCRA II and other provisions in miscellaneous clusters.

Federal requirement	FR reference	FR promulgation date
Checklist 92—Wood Preserving Listing: Technical Corrections	56 FR 30192	7/1/91
Checklist 95—Land Disposal Restrictions for Electric Arc Furnace Dust (K061)	56 FR 41164	8/19/91
Checklist 99—Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities.	56 FR 66365	12/23/91
Checklist 100—Liners and Leak Detection System for Hazardous Waste Land Disposal Units	57 FR 3462	1/29/92
Checklist 102—Second Correction to the Third Third Land Disposal Restrictions	57 FR 8086	3/6/92
Checklist 103—Hazardous Debris Case-by-Case Capacity Variance	57 FR 20766	5/15/92
Checklist 104—Used Oil Filter Exclusion	57 FR 21524	5/20/92
Checklist 106—Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance	57 FR 28628	6/26/92
Checklist 7—Warfarin & Zinc Phosphide Listing	49 FR 19922	5/10/84
Checklist 8—Lime Stabilized Pickle Liquor Sludge	49 FR 23284	6/5/84

Federal requirement	FR reference	FR promulgation date
Checklist 9—Household Waste	49 FR 44978	11/13/84
Checklist 48—Farmer Exemption; Technical Correction	53 FR 27164	7/19/88
Checklist 54—Permit Modifications for Hazardous Waste Management Facilities	53 FR 37912	9/28/88
Checklist 59—Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators	54 FR 615	1/9/89
Checklist 60—Amendment to Requirements for Hazardous Waste Incinerator Permits	54 FR 4286	1/30/89
Checklist 82—Wood Preserving Listings	55 FR 50450	2/6/90

Mississippi's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Mississippi is granted final authorization to operate its hazardous waste program as revised.

Mississippi now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Mississippi also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Mississippi's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: May 12, 1995.

John H. Hankinson, Jr.,

Regional Administrator.

[FR Doc. 95–13371 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7143

[WY–930–1430–01; WYW–128871]

Withdrawal of Public Lands and Federal Minerals for the Snake River Riparian Lands; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws from mineral or surface entry, for a period of 10 years, a total of 5,937 acres of public lands, 663 acres of lands as to which the United States owns both the surface and mineral estate, 1,993 acres of lands as to which the United States owns only the surface estate, and 3,281 acres of lands as to which the United States owns only the mineral estate, except that such public lands may be exchanged or sold pursuant to the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 (1988), or conveyed pursuant to the Recreation and Public Purposes Act, 43 U.S.C. 869 (1988). The lands are collectively known as the Snake River Riparian Lands, located in Teton County, near Jackson, Wyoming. This action will protect and preserve highly significant recreation, scenic, riparian, and wildlife resources until land use planning for the area can be completed. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–775–6115.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. To protect significant recreation, scenic, riparian and wildlife resources, the public lands, including lands as to which the United States owns both the surface and mineral estate, the surface estate only, and the mineral estate only, found within the following described areas are hereby withdrawn, subject to valid existing rights, from settlement, location, or entry, including entry under the mining laws of the United States (30 U.S.C. Ch 2 (1988)), but not from leasing pursuant to applicable mineral leasing laws, exchange or sale pursuant to the Federal Policy and Management Act of 1976, 43 U.S.C. 1701 (1988), or conveyance pursuant to the Recreation and Public Purpose Act, 43 U.S.C. 869 (1988):

Sixth Principal Meridian

T. 40 N., R. 116 W.,
Secs. 28, 29, 30, 31, 32, 33, and 34.
T. 40 N., R. 117 W.,
Secs. 3, 10, 11, 14, 23, 24, and 25.
T. 41 N., R. 116 W.,
Secs. 5, 6, 7, and 18.
T. 41 N., R. 117 W.,
Secs. 12, 13, 23, 24, 25, 26, 34, and 35.
T. 42 N., R. 116 W.,
Secs. 20, 21, 29, 32, and 34.

The areas described contain a total of 5,937 acres of public lands in Teton County, 663 acres of lands as to which the United States owns both the surface and the mineral estate, 1,993 acres of lands as to which the United States owns only the surface estate, and 3,281 acres of lands as to which the United States owns only the mineral estate.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 10 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: May 12, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–13299 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–22–P

43 CFR Public Land Order 7144

[NM–030–1430–01; NMNM 83840]

Withdrawal of Public Land for The Box Special Management Area; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 39.95 acres of public land from surface entry and mining for a period of 50 years for the Bureau of Land Management to protect the recreational, scenic and natural values in a portion of The Box Special Management Area. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Lois A. Bell, BLM Socorro Resource Area, 198 Neel Avenue, Socorro, New Mexico 87801, 505–835–0412.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the recreational, scenic and natural values within The Box Special Management Area:

New Mexico Principal Meridian

T. 3 S., R. 1 W.,
Sec. 31, lot 18.

The area described contains 39.95 acres in Socorro County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: May 12, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–13375 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–FB–P

43 CFR Public Land Order 7145

[CA–930–1430–01; CACA 30123]

Withdrawal of Public Lands and Minerals for the Ash Valley Research Natural Area and Area of Critical Environmental Concern; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 1,321.51 acres of public lands from surface entry and mining, and 360 acres of federally reserved mineral interests from mining, for a period of 50 years for the Bureau of Land Management to protect the Ash Valley Research Natural Area and Area of Critical Environmental Concern. The lands have been and will remain open to mineral leasing and the Materials Act of 1947. The surface estate of the above 360 acres of federally reserved minerals and an additional 360.53 acres of non-Federal lands, if acquired by the United States, would also be withdrawn by this order.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office, 2800 Cottage Way, Sacramento, California 95825, 916–979–2858.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)) , but not from the Materials Act of 1947, or leasing under the mineral leasing laws, for the Bureau of Land Management to protect the Ash Valley Research Natural Area and Area of Critical Environmental Concern:

Mount Diablo Meridian

T. 37 N., R. 11 E.,
Sec. 5, lots 1, 2, and 4, S½NE¼, SW¼NW¼, SW¼, and W½SE¼;
Sec. 8, W½NE¼, N½NW¼, and S½;
Sec. 9, NE¼SW¼, S½SW¼, and SE¼.

T. 38 N., R. 11 E.,
Sec. 32, SW¼SW¼ and SE¼SE¼.

The area described contains 1,321.51 acres in Lassen County.

2. Subject to valid existing rights, the following described federally reserved mineral interests are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from the Materials Act of 1947, or leasing under the mineral leasing laws, for the Bureau of Land Management to protect the Ash Valley Research Natural Area and Area of Critical Environmental Concern:

Mount Diablo Meridian

T. 37 N., R. 11 E.,
Sec. 4, SW¼NW¼;
Sec. 5, E½SE¼;
Sec. 8, E½NE¼;
Sec. 9, NW¼NW¼, S½NW¼, and NW¼SW¼.

The areas described aggregate 360 acres in Lassen County.

3. In the event the non-Federal surface estate, of the 360 acres described in paragraph 2 returns to public ownership, these lands would be subject to the terms and conditions of this withdrawal as described in paragraph 1.

4. The following described non-Federal lands are located within the boundary of the Ash Valley Research Natural Area and Area of Critical Environmental Concern. In the event these lands return to public ownership, they would be subject to the term and conditions of this withdrawal as described in paragraph 1:

Mount Diablo Meridian

T. 37 N., R. 11 E.,
Sec. 4, W½SW¼;
Sec. 5, lot 3 and SE¼NW¼;
Sec. 8, S½NW¼;
Sec. 9, NE¼NW¼.

T. 38 N., R. 11 E.,
Sec. 32, SE¼SW¼ and SW¼SE¼.

The areas described aggregate 360.53 acres in Lassen County.

5. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

6. This withdrawal will expire 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: May 12, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–13364 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–40–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[CC Docket No. 92–133; FCC 95–134]

Interstate Rate of Return Represcription and Enforcement Processes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (''Commission'') has adopted a Report and Order (''Order'') that reforms its rules that govern the procedures and methodologies for prescribing and enforcing the rate of return certain Local Exchange Carriers (''LECs'') may earn on interstate access services. First, the Order replaces the existing rule, which calls for the initiation of rate of return represcription proceedings biennially, with a semiautomatic trigger activated by changes in capital costs. Second, the Order modifies the paper hearing rules set out in part 65 to streamline represcription proceedings. Third, the Order simplifies and streamlines the methodologies used to estimate the cost of capital for those LECs still subject to rate of return regulation. Finally, the Order removes the Commission's rule authorizing an automatic refund, with interest, of earnings in excess of ''the maximum allowable rate of return.'' The Commission adopted this Order to streamline the procedures and methodologies of the rate of return represcription and enforcement processes and reduce the burdens these regulations impose on the remaining rate of return LECs, while allowing each the opportunity to maintain its credit and to attract capital. These reforms reflect the Commission's experience in the 1990 Represcription Proceeding,[1] with incentive (''price cap'') regulation for the largest LECs, and with incentive regulation proposals for those LECs not subject to price cap regulation.

EFFECTIVE DATE: July 3, 1995, except that §§ 65.100, 65.101, 65.102, 65.103, 65.104, and 65.105 shall be effective August 30, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, telephone number 202–418–0872, John C.K. Hays, telephone number 202–418–0875, or John V. Giusti, telephone number 202–418–0878.

SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Report and Order in Amendment of parts 65 and 69 of the Commission's rules to Reform the Interstate Rate of Return Represcription and Enforcement Processes, FCC 95–134, CC Docket No. 92–133, adopted March 30, 1995 and released April 6, 1995. The Commission has made the full text of the Order available for inspection and copying during normal business hours in the Commission's Reference Center, room 239, 1919 M Street, NW, Washington, DC 20554, and will publish it in the FCC Record. The full text of the Order may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW, suite 140, Washington, DC 20037, telephone number 202–857–3800.

Regulatory Flexibility Analysis

In the Notice of Proposed Rulemaking in this proceeding,[2] the Commission certified that the Regulatory Flexibility Act of 1980 exempts the rules proposed in this proceeding because they will not have a significant economic impact on a substantial number of small entities, as defined by section 601(3) of that act.[3] LECs do not fall within the Regulatory Flexibility Act's definition of a ''small entity,'' which excludes any business that is dominant in its field of operation. In the *Competitive Carrier Rulemaking,* the Commission found that LECs, even small ones, enjoy a dominant monopoly position in their local service area.[4] In accordance with section 603(a) of the Regulatory Flexibility Act, the Secretary sent a copy of the Notice, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction

The Commission estimates the public reporting burden for the collections of information to average 100,000 hours per represcription, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspects of the collections of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Branch, Room 234, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

Synopsis of the Report and Order

Part 65 of the Commission's rules sets forth procedures and methodologies for prescribing and enforcing the rate of return certain local exchange carriers (''LECs'') may earn on interstate access service.[5] The Commission adopted those rules in 1985. In the *Notice* in this proceeding,[6] the Commission proposed a fundamental reform of those rules in order to reflect the dramatic changes in the telecommunications industry and the regulation of it that had occurred since that time. This Order accomplishes that reform by streamlining the rate of return represcription and enforcement processes in ways that, the Commission believes, will substantially reduce the burden of its regulations on the public and on those LECs still subject to rate of return regulation. The changes achieve a proper balance of regulatory goals by allowing a carrier the opportunity to ''maintain its credit and to attract capital'' [7] and by ensuring that ratepayers are charged reasonable rates for interstate services.

When part 65 was adopted, the Commission used rate of return principles to regulate the rates for the interstate communications services of the American Telephone and Telegraph Company (''AT&T'') and all LECs. Since that time, price cap initiatives have removed all interexchange and most interstate access revenues from such regulation. The Commission has also created optional programs that allow the remaining rate of return LECs to increase their opportunities for increased profit and risks of loss above the levels they would face under traditional, rate of return regulation.

To reflect the altered environment as well as the Commission's experiences in implementing the part 65 rules, the Order changes virtually every aspect of our rate of return represcription and enforcement processes for telephone companies. First, the Order amends the current rule that contemplates a new represcription proceeding every two years regardless of conditions in the capital markets. The Order replaces that rule with one that relies on the yields

[1] 5 FCC Rcd 7507 (1990), 55 FR 51423, December 14, 1990.

[2] Amendment of parts 65 and 69 of the Commission's rules to Reform the Interstate Rate of Return Represcription and Enforcement Processes, *Notice of Proposed Rulemaking and Order,* 7 FCC Rcd 4688 (1992) (*Notice*), 57 FR 31944, July 20, 1992.

[3] 5 U.S.C. 601(3).

[4] 85 FCC 2d 1, 23–24 (1980), 45 FR 76148, November 18, 1980.

[5] 47 CFR part 65.

[6] *Notice,* 7 FCC Rcd 4688 (1992), 57 FR 31994, July 20, 1992.

[7] *FPC* v. *Hope Natural Gas,* 320 U.S. 591, 603 (1944).

on ten-year United States Treasury securities to determine when represcription might be warranted. Under this system, the Commission's Common Carrier Bureau will issue a notice asking whether the Commission should institute a represcription proceeding only if, for six consecutive months, the six-month average of those yields deviates by 150 basis points (1.5 percent) or more from the yield on these securities measured as of our most recent represcription. After evaluating the responses to such a notice, the Commission will decide whether a represcription proceeding is necessary and will then issue an order that either sets forth a procedural schedule for the proceeding or announces that a represcription proceeding is not necessary. Thus, the Order adopts a semi-automatic trigger that initiates an inquiry into whether a represcription is needed, rather than a trigger that automatically initiates a costly represcription.

The current rules also establish a ''paper hearing'' process for represcription proceedings that is modelled after the system used in evidentiary hearings. Because this process contains procedural steps beyond those necessary for a full and complete record, the Order adopts streamlined procedures that will reduce the inordinate delays and costs experienced in previous represcription proceedings, yet provide parties full opportunity to present and evaluate relevant evidence. The Order, therefore, streamlines the paper hearing system by removing unnecessary provisions such as those relating to cross-examination and oral argument options, notices of appearance, proposed findings of fact and conclusions, and use of a separated trail staff. Elimination of these provisions will significantly reduce procedural burden and delays. The Order also adopts the automatic discovery requirement proposed in the *Notice* in order to achieve further procedural efficiencies by eliminating the need for routine additional discovery.

Part 65 now uses a weighted average cost of capital to calculate a unitary, overall rate of return for rate of return LECs. This calculation requires the Commission to determine a cost of equity, cost of debt, and capital structure for LEC interstate access service. To help the Commission determine these components, part 65 requires the Regional Bell Holding Companies (''RHCs'') to undertake complex studies and submit the resulting data for inclusion in the record in represcription proceedings. Because the Commission has found in past proceedings the cost of equity studies unnecessary and the cost of debt and capital structure studies unduly complex the Order eliminates the rules that require them. To facilitate the represcription process, however, the Order specifies methods to calculate cost of debt and capital structure that rely on readily available data regarding the largest LECs for presumptive use in future represcription proceedings. Under this approach, the Commission will use the specified methodologies in future represcription proceedings unless the record in those proceedings shows that the methodologies would produce unreasonable results.

Part 65 had authorized an automatic refund, with interest, of earnings exceeding what the rules refer to as ''the maximum allowable rate of return.'' [8] In the *Automatic Refund Decision*,[9] the United States Court of Appeals for the District of Columbia Circuit (''D.C. Circuit'') remanded this rule to the Commission. Because we find that our tariff review and complaint processes are sufficient to enforce the prescribed interstate rate of return, we eliminate that rule.

Part 65 also provides that ''the maximum allowable rate of return'' equals the prescribed rate of return plus a buffer zone. The buffer zones are defined by adding 25 basis points to overall interstate earnings and 40 basis points each to earnings within the common line, traffic sensitive, and special access categories. The Order retains these buffer zones at their present levels. The zones serve an important role in our complaint process by recognizing the effects fluctuations in demand and operating costs may have on rate of return LECs' earnings, while protecting customers from unreasonably high rates. In monitoring compliance, the Order retains a two-year enforcement period in order to provide sufficient time to reduce the risk of targeting error and the risk that carriers will need to make frequent rate changes to remain within the authorized rate of return.

Accordingly, it is ordered, pursuant to sections 1, 4(i), 4(j), 201–205, 218–220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 218–220, 403, that part 65 of the Commission's rules, 47 CFR part 65, is amended, as specified below.

List of Subjects in 47 CFR Part 65

Telephone.

[8] 47 CFR 65.700

[9] *AT&T* v. *FCC*, 836 F.2d 1386 (D.C. Cir. 1988) (per curiam) (*Automatic Refund Decision*).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Amendments

Part 65 of title 47 of the CFR is amended as follows:

Parts 65 of the Commission's rules and regulations, 47 CFR part 65, is amended as follows:

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

1. The authority citation for part 65 is revised to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 151, 154, 201, 202, 203, 204, 205, 218, 219, 220, 403.

2. Section 65.1 is revised to read as follows:

§ 65.1 Application of part 65.

(a) This part establishes procedures and methodologies for Commission prescription of an authorized unitary interstate exchange access rate of return and individual rates of return for the interstate exchange access rates of certain carriers pursuant to § 65.102. This part shall apply to those interstate services of local exchange carriers as the Commission shall designate by rule or order, except that all local exchange carriers shall provide to the Commission that information which the Commission requests for purposes of conducting prescription proceedings pursuant to this part.

(b) Local exchange carriers subject to §§ 61.41 through 61.49 of this chapter are exempt from the requirements of this part with the following exceptions:

(1) Except as otherwise required by Commission order, carriers subject to §§ 61.41 through 61.49 of this chapter shall employ the rate of return value calculated for interstate access services in complying with any applicable rules under parts 36 and 69 that require a return component;

(2) Carriers subject to § § 61.41 through 61.49 of this chapter shall be subject to § 65.600(d);

(3) Carriers subject to §§ 61.41 through 61.49 of this chapter shall continue to comply with the prescribed rate of return when offering any services specified in § 61.42(f) of this chapter unless the Commission otherwise directs; and

(4) Carriers subject to § § 61.41 through 61.49 of this chapter shall comply with Commission information requests made pursuant to § 65.1(a).

3. Sections 65.100 is revised to read as follows:

§ 65.100 Participation and acceptance of service designation.

(a) All interstate exchange access carriers, their customers, and any member of the public may participate in rate of return proceedings to determine the authorized unitary interstate exchange access or individual interstate exchange access rates of return authorized pursuant to § 65.102.

(b) Participants shall state in their initial pleading in a prescription proceeding whether they wish to receive service of documents and other material filed in the proceeding. Participants that wish to receive service by hand on the filing dates when so required by this Part 65 shall specify in their initial pleading in a prescription proceeding, as specified in §§ 65.103 (b) and (c), an agent for acceptance of service by hand in the District of Columbia. The participant may elect in its pleading to receive service by mail or upon an agent at another location. When such an election is made, other participants need not complete service on the filing date, and requests for extension of time due to delays in completion of service will not be entertained.

4. Section 65.101 is revised to read as follows:

§ 65.101 Initiation of unitary rate of return prescription proceedings.

(a) Whenever the Commission determines that the monthly average yields on ten (10) year United States Treasury securities remain, for a consecutive six (6) month period, at least 150 basis points above or below the average of the monthly average yields in effect for the consecutive six (6) month period immediately prior to the effective date of the current prescription, the Commission shall issue a notice inquiring whether a rate of return prescription according to this part should commence. This notice shall state:

(1) The deadlines for filing initial and reply comments regarding the notice;

(2) The cost of debt, cost of preferred stock, and capital structure computed in accordance with §§ 65.302, 65.303, and 65.304; and

(3) such other information as the Commission may deem proper.

(b) Based on the information submitted in response to the notice described in § 65.101(a), and on any other information specifically identified, the Commission may issue a notice initiating a prescription proceeding pursuant to this part.

(c) The Chief, Common Carrier Bureau, may issue the notice described in § 65.101(a).

5. Section 65.102 is revised to read as follows:

§ 65.102 Petitions for exclusion from unitary treatment and for individual treatment in determining authorized return for interstate exchange access service.

(a) Exclusion from unitary treatment will be granted for a period of two years if the cost of capital for interstate exchange service is so low as to be confiscatory because it is outside the zone of reasonableness for the individual carrier's required rate of return for interstate exchange access services.

(b) A petition for exclusion from unitary treatment and for individual treatment must plead with particularity the exceptional facts and circumstances that justify individual treatment. The showing shall include a demonstration that the exceptional facts and circumstances are not of transitory effect, such that exclusion for a period of a least two years is justified.

(c) A petition for exclusion from unitary treatment and for individual treatment may be filed at any time. When a petition is filed at a time other than that specified in § 65.103(b)(2), the petitioner must provide compelling evidence that its need for individual treatment is not simply the result of short-term fluctuations in the cost of capital or similar events.

6. Section 65.103 is revised to read as follows:

§ 65.103 Procedures for filing rate of return submissions.

(a) Rate of return submissions listed in § 65.103(b)(1) and (c) may include any relevant information, subject to the page limitations of § 65.104. The Chief, Common Carrier Bureau, may require from carriers providing interstate services, and from other participants submitting rate of return submissions, data, studies or other information that are reasonably calculated to lead to a full and fair record.

(b) In proceedings to prescribe an authorized unitary rate of return on interstate access services, interested parties may file direct case submissions, responses, and rebuttals. Direct case submissions shall be filed within sixty (60) calendar days following the effective date of a Commission notice initiating a rate of return proceeding pursuant to § 65.101b). Rate of return submissions responsive to the direct case submissions shall be filed within sixty (60) calendar days after the deadline for filing direct case submissions. Rebuttal submissions shall be field within twenty-one (21) calendar days after the deadline for filing responsive submissions.

(c) Petitions for exclusion from unitary treatment and for individual treatment may be filed on the same date as the deadline for filing responsive rate of return submissions. Oppositions shall be filed within 35 calendar days thereafter. Rebuttal submissions shall be filed within 21 calendar days after the deadline for filing responsive submissions.

(d) An original and 4 copies of all rate of return submissions shall be filed with the Secretary.

(e) The filing party shall serve a copy of each rate of return submission, other than an initial submission, on all participants who have filed a designation of service notice pursuant to § 65.100(b).

7. Section 65.104 is revised to read as follows:

§ 65.104 Page limitations for rate of return submissions.

Rate of return submissions, including all argument, attachments, appendices, supplements, and supporting materials, such as testimony, data and documents, but excluding tables of contents and summaries of argument, shall be subject to the following double spaced typewritten page limits:

(a) The direct case submission of any participant shall not exceed 70 pages in length.

(b) The responsive submission of any participant shall not exceed 70 pages in length.

(c) The rebuttal submission of any participant shall not exceed 50 pages in length.

(d) Petitions for exclusion from unitary treatment shall not exceed 70 pages in length. Oppositions to petitions for exclusion shall not exceed 50 pages in length. Rebuttals shall not exceed 35 pages in length.

8. Section 65.105 is revised to read as follows:

§ 65.105 Discovery.

(a) Participants shall file with each rate of return submission copies of all information, including studies, financial analysts' reports, and any other documents relied upon by participants or their experts in the preparation of their submission. Information filed pursuant to this paragraph for which protection from disclosure is sought shall be filed subject to protective orders which shall be duly granted by the Chief, Common Carrier Bureau, for good cause shown.

(b) Participants may file written interrogatories and requests for documents directed to any rate of return submission and not otherwise filed pursuant to § 65.105(a). The permissible

scope of examination is that participants may be examined upon any matter, not privileged, that will demonstrably lead to the production of material, relevant, decisionally significant evidence.

(c) Discovery requests pursuant to § 65.105(b), including written interrogatories, shall be filed within 14 calendar days after the filing of the rate of return submission to which the request is directed. Discovery requests that are not opposed shall be complied with within 14 calendar days of the request date.

(d) Oppositions to discovery requests made pursuant to § 65.105(b), including written interrogatories, shall be filed within 7 calendar days after requests are filed. The Chief, Common Carrier Bureau, shall rule upon any such opposition. Except as stayed by the Commission or a Court, any required response to a discovery request that is opposed shall be provided within 14 calendar days after release of the ruling of the Chief, Common Carrier Bureau.

(e) An original and 4 copies of all information described in § 65.105(a) and all requests, oppositions, and responses made pursuant to §§ 65.105 (a), (b) and (d) shall be filed with the Secretary.

(f) Service of requests, oppositions, and responses made pursuant to §§ 65.105 (b), and (d) shall be made upon all participants who have filed a designation of service notice pursuant to § 65.100(b). Service of requests upon participants who have filed designation of service notices pursuant to § 65.100(b) shall be made by hand on the filing dates thereof.

§ 65.106 [Removed]

9. Section 65.106 is removed.

§§ 65.200, 65.201, 65.400 and 65.510 [Removed]

10. Sections 65.200, 65.201, 65.400 and 65.510 are removed.

11. Section 65.300 is revised to read as follows:

§ 65.300 Calculations of the components and weights of the cost of capital.

(a) Sections 65.301 through 65.303 specify the calculations that are to be performed in computing cost of debt, cost of preferred stock, and financial structure weights for prescription proceedings. The calculations shall determine, where applicable, a composite cost of debt, a composite cost of preferred stock, and a composite financial structure for all local exchange carriers with annual revenues in excess of $100 million. The calculations shall be based on data reported to the Commission in FCC Report 43–02. (See 47 CFR 43.21). The results of the calculations shall be used in the represcription proceeding to which they relate unless the record in that proceeding shows that their use would be unreasonable.

(b) Excluded from cost of capital calculations made pursuant to § 65.300 shall be those sources of financing that are not investor supplied, or that are otherwise subtracted from a carrier's rate base pursuant to Commission orders governing the calculation of net rate base amounts in tariff filings that are made pursuant to section 203 of the Communications Act of 1934, 47 U.S.C. 203, or that were treated as ''zero cost'' sources of financing in section 450 and subpart G of this Part 65. Specifically excluded are: accounts payable, accrued taxes, accrued interest, dividends payable, deferred credits and operating reserves, deferred taxes and deferred tax credits.

12. Section 65.301 is revised to read as follows:

§ 65.301 Cost of equity.

The cost of equity shall be determined in represcription proceedings after giving full consideration to the evidence in the record, including such evidence as the Commission may officially notice.

13. Section 65.302 is revised to read as follows:

§ 65.302 Cost of debt.

The formula for determining the cost of debt is equal to:

$$\text{Embedded Cost of Debt} = \frac{\text{Total Annual Interest Expense}}{\text{Average Outstanding Debt}}$$

Where:

''Total Annual Interest Expense'' is the total interest expense for the most recent two years for all local exchange carriers with annual revenues of $100 million or more.

''Average Outstanding Debt'' is the average of the total debt for the most recent two years for all local exchange carriers with annual revenues of $100 million or more.

14. Section 65.303 is revised to read as follows:

§ 65.303 Cost of preferred stock.

The formula for determining the cost of preferred stock is:

$$\text{Cost of Preferred Stock} = \frac{\text{Total Annual Preferred Dividends}}{\text{Proceeds from the Issuance of Preferred Stock}}$$

Where:

''Total Annual Preferred Dividends'' is the total dividends on preferred stock for the most recent two years for all local exchange carriers with annual revenues of $100 million or more. ''Proceeds from the Issuance of Preferred Stock'' is the average of the total net proceeds from the issuance of preferred stock for the most recent two years for all local exchange carriers with annual revenues of $100 million or more.

15. Section 65.304 is revised to read as follows:

§ 65.304 Capital structure.

The proportion of each cost of capital component in the capital structure is equal to:

Proportion in the capital structure =

$$\frac{\text{Book Value of particular component}}{\text{Book Value of Debt} + \text{Book Value of Preferred Stock} + \text{Book Value of Equity}}$$

Where:

''Book Value of particular component'' is the total of the book values of that component for all local exchange carriers with annual revenues of $100 million or more.

''Book Value of Debt+Book Value of Preferred Stock+Book Value of Equity'' is the total of the book values of all the components for all local exchange carriers with annual revenues of $100 million or more.

The total of all proportions shall equal 1.00.

15. A new § 65.305 is added to read as follows:

§ 65.305 Calculation of the weighted average cost of capital.

(a) The composite weighted average cost of capital is the sum of the cost of debt, the cost of preferred stock, and the cost of equity, each weighted by its proportion in the capital structure of the telephone companies.

(b) Unless the Commission determines to the contrary in a prescription proceeding, the composite weighted average cost of debt and cost of preferred stock is the composite weight computed in accordance with § 65.304 multiplied by the composite cost of the component computed in accordance with § 65.301 or § 65.302, as applicable. The composite weighted average cost of equity will be determined in each prescription proceeding.

16. A new § 65.306 is added to read as follows:

§ 65.306 Calculation accuracy.

In a prescription proceeding, the final determinations of the cost of equity, cost of debt, cost of preferred stock and their capital structure weights shall be accurate to two decimal places.

17. Section 65.500 is revised to read as follows:

§ 65.500 Net income.

The net income methodology specified in § 65.450 shall be utilized by all interexchange carriers that are so designated by Commission order.

18. Section 65.600(b) is revised to read as follows:

§ 65.600 Rate of return reports.

* * * * *

(b) Each local exchange carrier or group of affiliated carriers which is not subject to §§ 61.41 through 61.49 of this chapter and which has filed individual access tariffs during the preceding enforcement period shall file with the Commission, within three (3) months after the end of each calendar quarter, a quarterly rate of return monitoring report. Each report shall contain two parts. The first part shall contain rate of return information on a cumulative basis from the start of the enforcement period through the end of the quarter being reported. The second part shall contain similar information for the most recent quarter. The final quarterly monitoring report for the entire enforcement period shall be considered the enforcement period report. Reports shall be filed on the appropriate report form prescribed by the Commission (see § 1.795 of this chapter) and shall provide full and specific answers to all questions propounded and information requested in the currently effective report form. The number of copies to be filed shall be specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible officer. A copy of each report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection. Final adjustments to the enforcement period shall be made by September 30 of the year following the enforcement period to ensure that any refunds can be properly reflected in an annual access filing.

* * * * *

§ 65.700 [Amended]

19. In § 65.700, paragraph (c) is removed and paragraph (d) is redesignated as paragraph (c).

20. Section 65.701 is revised to read as follows:

§ 65.701 Period of review.

For both exchange and interexchange carriers subject to this part, interstate earnings shall be measured over a two year period to determine compliance with the maximum allowable rate of return. The review periods shall commence on January 1 in odd-numbered years and shall end on December 31 in even-numbered years.

§ 65.702 [Amended]

21. In § 65.702, paragraph (a) is removed and paragraphs (b) and (c) are redesignated as (a) and (b) respectively.

§ 65.703 [Removed]

Section 65.703 is removed.

[FR Doc. 95–13380 Filed 5–31–95; 8:45 am]

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47 CFR Part 74

[MM Docket No. 93–24]

Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; ITFS Filing Window; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the Federal Register summary of the *Report and Order* in MM Docket No. 93–24, which was published April 25, 1995 (60 FR 20241). The Federal Register summary contained regulation related to the Instructional Television Fixed Service.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Clay Pendarvis (202) 418–1600.

Need for Correction

As published, the FR Notice gave an erroneous effective date for the above Order which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the April 25, 1995, FR Notice 95–10024 is corrected as follows:

Paragraph 1. On page 20241, in the second column, after the phrase ''EFFECTIVE DATE'' is revised to read: ''The change to the rules adopted in the Commission's Report and Order in MM Docket No. 93–24 will become effective May 25, 1995.

Paragraph 2. On page 20246, in third column, line seven of paragraph 47, after the word ''effective'' is corrected to read ''May 25, 1995''.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–13292 Filed 5–31–95; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 60, No. 105
Thursday, June 1, 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

Food Safety and Inspection Service

9 CFR Parts 308, 310, 318, 320, 325, 326, 327 and 381

[Docket No. 95–029N]

Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems: Extension of Comment Period

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Extension of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is extending the comment period for its February 3, 1995, proposal titled ''Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems'' (60 FR 6774). FSIS has received several requests to extend the comment period. FSIS believes there is merit to some of the requests and, therefore, is extending the comment period for 30 days.

DATES: Comments must be received by July 5, 1995.

ADDRESSES: *Written comments should be sent to:* Diane Moore, FSIS Docket Clerk, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments, as provided by the Poultry Products Inspection Act, should be directed to the appropriate person listed in the proposed rule.

FOR FURTHER INFORMATION CONTACT: Judith A. Segal, Director, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, USDA, (202) 720–7773.

SUPPLEMENTARY INFORMATION: On February 3, 1995, FSIS published a proposed rule, ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems'' (60 FR 6774). In that document, the Agency proposed a number of regulatory changes applicable to Federal- and State-inspected meat and poultry establishments. The proposed changes are designed to reduce the occurrence and numbers of pathogenic microorganisms in meat and poultry products as well as control other hazards, thereby reducing the incidence of foodborne illness associated with the consumption of these products.

FSIS has received several requests to extend the comment period. These requests state that additional time is needed to permit the drafting of meaningful, well-considered comments on the Agency's far-reaching proposals, which take into account the new information and understanding growing out of the public hearing, scientific/technical conferences and public information briefings FSIS has conducted during the comment period. Also, extending the comment period will provide individuals, organizations, States, and foreign countries a better opportunity to respond to issues raised in others' comments received orally or in writing.

FSIS continues to believe that there is an important public health need to complete this rulemaking promptly. The complexity and importance of this rulemaking also require, however, that FSIS provide every reasonable opportunity for persons to provide meaningful comments, which it needs to develop sound and effective final rules. Therefore, the Agency has decided to extend the comment period for 30 days, to July 5, 1995.

FSIS also intends to convene a two-day public meeting, four to six weeks after the close of the comment period, to permit further public discussion, during the Agency's decisionmaking process, based on issues raised in the administrative record developed during the comment period. The Agency will provide notice in the **Federal Register** of the dates, times, location, and topics for the meeting.

Done at Washington, DC, on May 26, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–13387 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–93; Special Conditions No. 25–ANM–99]

Special Condition: Cessna Aircraft Company, Model 750 (Citation X) Airplane, High-Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special condition.

SUMMARY: This special condition for the Cessna Aircraft Company (Cessna) is issued for the Model 750 (Citation X) airplane. This new airplane will utilize new avionics/electronic systems that provide critical data to the flightcrew. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields. This special condition contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Mark Quam, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (206) 221–2145, facsimile (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 1991, Cessna Aircraft Company (Cessna), 6030 Cessna Blvd., P.O. Box 7704, Wichita, KS 67277–7704, applied for a new type certificate in the transport airplane category for the Model 750 (Citation X) airplane. The Cessna Model 750 is a T-tail, low swept wing, medium-sized business jet powered by two GMA–3007C turbofan engines mounted on pylons extending from the aft fuselage. Each engine will be capable of delivering 6,000 pounds thrust. The flight controls will be powered and capable of manual reversion. The airplane has a seating capacity of up to twelve passengers, and a maximum takeoff weight of 31,000 pounds.

Type Certification Basis

Under the provisions of § 21.17 of the FAR, Cessna must show, except as provided in § 25.2, that the Model 750 (Citation X) meets the applicable provisions of part 25, effective February 1, 1965, as amended by Amendments 25–1 through 25–74 and Amendment 25–80. In addition, the proposed certification basis for the Model 750 includes part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and part 36, effective December 1, 1969, as amended by Amendment 36–1 through the amendment in effect at the time of certification. No exemptions are anticipated. This special condition will form an additional part of the type certification basis.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Cessna Model 750 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2).

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

Novel or Unusual Design Features

The Model 750 incorporates new avionics/electronic installations, including a digital Electronic Flight Instrument System (EFIS), Air data System, Attitude and Heading Reference System (AHRS), Navigation and Communication System, Autopilot System, and a Full Authority Digital Engine Control (FADEC) system that controls critical engine parameters. These systems may be vulnerable to high-intensity radiated fields external to the airplane.

Discussion

At the time that Cessna applied for type certification of the Cessna Model 750 (Citation X) airplane, the existing lightning protection airworthiness certification requirements were insufficient to provide an acceptable level of safety for new technology avionics and electronic systems. The two existing regulations that specifically pertained to lightning were § 25.581 (the airframe in general), and § 25.954 (fuel system protection). There were, however, no regulations that specifically addressed protection of electrical and electronic systems from lightning.

On March 29, 1994, the FAA published in the **Federal Register** Notice of Proposed Special Conditions No. SC–94–1–NM (59 FR 14571) for the Cessna Model 750 (Citation X). These special conditions were proposed requirements to protect the airplane systems from the effects of lightning and high-intensity radiated fields (HIRF). Cessna, commenting to the docket by letter, noted that there were differences in the preamble language from the language used in issue papers that discussed the proposed method of compliance with the special conditions. The FAA agreed. Although the special conditions proposed were not changed from the original notice, the methods of compliance discussed in the issue papers that preceded the original notice were, in fact, different in certain respects than the methods of compliance discussed in the original notice. The FAA inadvertently left out Cessna's proposed alternative methods of complying with the proposed special conditions. As the methods of compliance proposed by Cessna deviate in certain respects from previous methods of compliance with the proposed special conditions, the FAA agreed these methods should also be made available for the public record and comment as well. Therefore, Notice SC–94–1–NM was republished in the **Federal Register** on September 12, 1994, as Notice SC–94–1A–NM (59 FR 46775) in its entirety, including Cessna's proposed alternative methods of compliance with the special conditions.

The FAA agrees with Cessna's proposed alternative method of testing and evaluation of the effects of lightning on the installed airplane systems when complying with the proposed special conditions. However, lightning protection is no longer considered a novel or unusual design feature relative to the regulations, as Amendment 25–80, effective May 21, 1994, was added to 14 CFR part 25 of the FAR (59 FR 22116, April 28, 1994). The lightning special condition differs from the rule in that the definitions of critical and essential functions are retained as a separate paragraph (i.e. item 3 in the notice). The rule also provides approaches to compliance for designing and verifying lightning protection in § 25.1316(c) that would be no different than the approaches to compliance for the special conditions.

As there is no longer a need for lightning special conditions, the proposed lightning special condition has been removed from this final special condition and § 25.1316, as adopted by Amendment 25–80, will be added to the Cessna 750 certification basis as authorized under § 21.17(a)(1)(i). Cessna's proposed method of testing and evaluation of the effects of lightning on the installed airplane systems for compliance with the lightning special condition can be utilized when complying with § 25.1316, as the intent of the lightning special condition and § 25.1316 are identical.

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, a special condition is needed for the Cessna Model 750, to require that new technology electrical and electronic systems, such as the EFIS, FADEC, AHRS, etc., be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, the FAA considers that an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated

wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz–100 KHz	50	50
100 KHz–500 KHz	60	60
500 KHz–2000 KHz	70	70
2 MHz–30 MHz	200	200
30 MHz–100 MHz	30	30
100 MHz–200 MHz	150	33
200 MHz–400 MHz	70	70
400 MHz–700 MHz	4,020	935
700 MHz–1000 MHz	1,700	170
1 GHz–2 GHz	5,000	990
2 GHz–4 GHz	6,680	840
4 GHz–6 GHz	6,850	310
6 GHz–8 GHz	3,600	670
8 GHz–12 GHz	3,500	1,270
12 GHz–18 GHz	3,500	360
18 GHz–40 GHz	2,100	750

Cessna's market for the Model 750 Citation X includes, at the present time, two European JAA member countries. Consequently, Cessna intends to pursue certification to meet the European JAA requirements as well as the FAA requirements. To reduce the testing required, Cessna proposes to test to an environment that combines a proposed FAA certification environment (from the SAE AE4R Subcommittee) and a proposed JAA certification environment (from EUROCAE WG–33) to form a ''worst case'' certification environment. Cessna's proposed environment consists of the following:

Where the combined proposed certification environment is less than 100 volts per meter, Cessna would test to the proposed certification environment (JAA or FAA, whichever is higher). Where the combined environment is greater than 100 volts per meter, Cessna would test to the proposed JAA environment (less aircraft attenuation above 200 MHz). The aircraft attenuation would be established by the results of full vehicle tests conducted by Cessna on Model 650, Citation III, and Citation VII aircraft. Cessna's proposed Model 750 HIRF certification environment is as follows:

PROPOSED CESSNA 750 (CITATION X (CX)) HIRF CERTIFICATION ENVIRONMENT

Frequency (HZ)	Proposed FAA certification environment (peak/avg)	Proposed JAA certification environment (peak/avg)	Proposed CX environment (peak/avg)
10K–500K.	50/50	40/40	50/50
500K–2M.	40/40	40/40	40/40
2M–30M.	100/100	100/100	100/100
30M–100M.	20/20	20/20	20/20
100M–200M.	50/30	50/30	50/30
200M–400M.	70/70	70/70	70/70
400M–700M.	1520/750	700/30	700/30
700M–1G.	1300/170	1300/70	1300/70
1G–2G	2500/180	2500/160	2500/160
2G–4G	3500/360	3500/240	3500/240
4G–6G	6800/280	3200/280	3200/280
6G–8G	1800/330	800/330	800/330
8G–12G	3500/215	3500/330	3500/330
12G–18G.	1700/270	1700/180	1700/180

Discussion of Comments

There were no comments received in response to Notice SC–94–1–NM other than those submitted by Cessna, as discussed earlier in this document. No comments were received in response to Supplemental Notice SC–94–1A–NM.

The Federal Aviation Administration's Analysis/Summary

The FAA does not agree with Cessna's proposed alternative method of compliance (i.e., the proposed CX threat environment) for the evaluation of the effects of HIRF on the installed airplane systems. The FAA has not formally adopted any of the certification environments proposed by Cessna listed above. The latest published FAA policy that defines the external environment acceptable for airplane testing is dated July 29, 1992, and is reflected earlier in the preamble to these special conditions. If Cessna wishes to reduce testing by combining the FAA and JAA environments, Cessna should test to the higher of the values given in the environment tables that have been adopted by the FAA and JAA. It should be noted that frequencies above 18 GHz should be used only if the pass/fail criteria are not met in the 12–18 GHz range, or if the system is designed to operate in the range from 18–40 GHz.

The FAA's option of testing using 100 volts per meter threat from 10 KHz to 18 GHz requires that this treat be applied to the systems elements and associated wiring without the benefit of airframe shielding. The 100 volts per meter test can be established by systems tests and analysis acceptable to the FAA.

In summary, the FAA has determined that Cessna must utilize the FAA's HIRF envelop (the first HIRF envelope and not the proposed SAE AE4R envelop) or may combine the FAA HIRF envelope and the JAA envelope and test to the greater values.

As discussed earlier in this document, the special conditions are applicable initially to the Model 750. Should Cessna apply at a later date for a change to the type certificate to include another model incorporating that same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain design features on the Cessna Model 750 (Citation X) airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

Authority 49 U.S.C. app. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f–10, 4321 et seq.; E.O. 11514; and 49 U.S.C. 106(g).

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for the Cessna Model 750 (Citation X) series airplanes.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of this special condition, the following definition applies: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on May 8, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–13397 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 25

[Docket No. NM–109; Notice No. SC–95–3–NM]

Special Condition: Gulfstream Aerospace Corporation, Model Gulfstream V, High-Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Gulfstream Model Gulfstream V airplane. This new airplane will utilize new avionics/electronic systems that provide critical data to the flightcrew. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before July 17, 1995.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM–7), Docket No. NM–109, 1601 Lind Avenue SW., Renton, Washington 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–109. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Standardized Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before further rulemaking action is taken on these proposals. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM–109.'' The postcard will be date stamped and returned to the commenter.

Background

On February 26, 1992, Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, GA 31402–2206, applied for an amended type certificate in the transport airplane category for the Model Gulfstream V airplane. The Gulfstream V is a T-tail, low swept wing, business jet airplane powered by two Rolls-Royce BR710–48 turbofan engines mounted on pylons extending from the aft fuselage. Each engine will be capable of delivering 14,750 pounds trust. The flight controls will be powered and capable of manual reversion. The airplane has a seating capacity of up to nineteen passengers, and a maximum takeoff weight of 89,000 pounds.

Type Certification Basis

Under the provisions of § 21.17 of the FAR, Gulfstream must show, except as provided in § 25.2, that the Model Gulfstream V meets the applicable provisions of part 25, effective February 1, 1965, as amended by Amendments 25–1 through 25–75. In addition, the proposed certification basis for the Model Gulfstream V includes part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and part 36, effective December 1, 1969, as amended by Amendment 36–1 through the amendment in effect at the time of certification. No exemptions are anticipated. The special conditions that may be developed as a result of this notice will form an additional part of the type certification basis. In addition, the certification basis may include other special conditions that are not relevant to these proposed special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Gulfstream V because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2).

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

Novel or Unusual Design Features

The Model Gulfstream V incorporates new avionic/electronic installations, including a digital Electronic Flight Instrument System (EFIS), Air Data System, Attitude and Heading Reference System (AHRS), Navigation and Communication System, Autopilot System, and a Full Authority Digital Engine Control (FADEC) system that controls critical engine parameters. These systems may be vulnerable to high-intensity radiated fields external to the airplane.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are proposed for the Gulfstream V which would require that new technology electrical and electronic systems, such as the EFIS, FADEC, AHRS, etc., be designed and installed to preclude component damage and interruption of

function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 or 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz–100 KHz	50	50
100 KHz–500 KHz	60	60
500 KHz–2000 KHz	70	70
2 MHz–30 MHz	200	200
30 MHz–70 MHz	30	30
70 MHz–100 MHz	30	30
100 MHz–200 MHz	150	33
200 MHz–400 MHz	70	70
400 MHz–700 MHz	4,020	935
700 MHz–1000 MHz	1,700	170
1 GHz–2 GHz	5,000	990
2 GHz–4 GHz	6,680	840
4 GHz–6 GHz	6,850	310
6 GHz–8 GHz	3,600	670
8 GHz–12 GHz	3,500	1,270
12 GHz–18 GHz	3,500	360
18 GHz–40 GHz	2,100	750

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

Conclusion

This action affects certain design features only on the Gulfstream V airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Federal Aviation Administration, Reporting and recordkeeping requirements.

The authority citation for these proposed special conditions is as follows:

Authority: 49 U.S.C. app. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f–10, 4321 et seq.; E.O. 11514; and 49 U.S.C. 106(g).

The Proposed Special Condition

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Gulfstream Model Gulfstream V series airplanes.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of this special conditions, the following definition applies: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on May 17, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 95–13400 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 95–ANM–2]

Proposed Realignment of VOR Federal Airway V–86; Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would extend Federal Airway V–86 from the Coppertown, MT, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) to the Missoula, MT, VOR/DME. This action would improve the efficiency of air traffic operations between the Coppertown, MT, VOR/DME and Missoula, MT, VOR/DME facilities, and would reduce pilot/controller workload.

DATES: Comments must be received on or before July 17, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 95–ANM–2, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Norman W. Thomas, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9230.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–ANM–2.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be

considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to extend Federal Airway V–86 from the Coppertown, MT, VOR/DME to the Missoula, MT, VOR/DME facility. The extension of V–86 would improve the efficiency of air traffic operations between the Coppertown, MT, VOR/DME and Missoula, MT, VOR/DME facilities, and would reduce pilot/controller workload. Domestic VOR Federal airways are published in paragraph 6010(a) 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 Domestic VOR Federal airway listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–86 [Revised]

From Missoula, MT; Coppertown, MT; Whitehall, MT; Bozeman, MT; INT Bozeman 128° and Livingston, MT, 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, MT; 32 miles, 35 miles, 75 MSL; Sheridan, WY; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, to Rapid City. SD.

* * * * *

Issued in Washington, DC, on May 23, 1995.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95–13402 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 73

[Airspace Docket No. 94–ANM–25]

Proposed Reconfiguration of Restricted Area R–6714, Yakima Firing Center; Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to restructure restricted airspace at Yakima Firing Center, WA. Presently, Restricted Area R–6714 is composed of five subareas: R–6714A, R–6714B, R–6714C, R–6714D, and R–6714E. This proposal would decrease the size of areas R–6714A, R–6714C, and R–6714D by deleting the restricted airspace west of Interstate Highway 82, and the airspace south of the Yakima Firing Center property boundary. R–6714A and R–6714E would be redesigned, and three new subareas established: R–6714F, R–6714G, and R–6714H, to facilitate the release of portions of the restricted area for public access. A portion of R–6714G, and all of R–6714H, would consist of new restricted airspace. These proposed changes are the result of a Department of Army review of their overall training and operational requirements.

DATES: Comments must be received on or before July 17, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 94–ANM–25, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Military Operations Program Office (ATM–420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–7686.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 94–ANM–25.'' The postcard will be date/

time stamped and returned to the commenter. Send comments on environmental and land use aspects to: Commander, I Corps and Fort Lewis, ATTN: AFZH–DEQ (Gary Stedman), Fort Lewis, WA 98433–5000. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 73 of the Federal Aviation Regulations (14 CFR part 73) to redesign Restricted Area R–6714, Yakima Firing Center, WA. The Department of Army has performed a review of overall training and operational requirements and has requested changes in the Yakima Firing Center restricted airspace to accommodate changes in their training tactics.

The revised restricted areas would support the firing of long-range weapons into existing impact areas, and no additional impact areas are planned. There would be no change in the other types of activities currently conducted in the R–6714 complex. In order to achieve training and operational requirements, it would be necessary to redesign R–6714A, R–6714B, R–6714C, R–6714D, and R–6714E. R–6714E is a high altitude subdivision that overlies the current restricted airspace configuration. The current subareas R–6714A, R–6714C, and R–6714D would be slightly decreased in size. Three new subareas would be established: R–6714F, R–6714G, and R–6714H. R–6714F would be formed from airspace currently in the northwest end of the existing R–6714A. The purpose of the ''F'' area subdivision is to facilitate the release of restricted airspace to accommodate the VOR and GPS–A instrument approaches at Bowers Field, Ellenburg, WA. These approaches may not be utilized when the adjacent restricted area is activated. R–6714F would be activated approximately 30 days per year compared to an estimated 330 days per year for R–6714A, thus reducing the impact on instrument approach procedures at Bowers Field. R–6714G would be established using a combination of airspace comprising the northern tip of the existing R–6714A, and the designation of new restricted airspace. R–6714H would consist entirely of new restricted airspace to the north of the existing R–6714A area. Projected use for R–6714G and R–6714H is approximately 100 days per year. The high altitude subdivision, R–6714E, would be realigned so that it continues to overlie all subareas, except the new R–6714H. Under this proposal, existing restricted airspace outside the Yakima Firing Center boundary is deleted. The airspace to be deleted includes all restricted airspace west of Interstate Highway 82 and airspace south of the center property boundary. Restricted airspace would be expanded north of the present R–6714 boundary by establishing R–6714G and R–6714H. Internal boundaries of R–6714A, R–6714B, R–6714C, and R–6714D are also being redesigned to better align the airspace to accommodate the requirements of the U.S. Army.

The new R–6714 configuration would allow the activation of portions of the restricted area on an as needed basis, thus decreasing the burden on nonparticipating aircraft that normally circumnavigate the restricted areas when they are in use. The activities presently being conducted, time of use, and altitudes remain the same.

Any subsequent final rulemaking on this proposal is contingent upon Congressional approval of the Bureau of Land Management and the U.S. Army agreement on land transfer. The coordinates for this airspace docket are based on North American Datum 83. Section 73.67 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8B dated March 9, 1994.

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

Environmental Impact

An environmental impact review of this proposal will be conducted by the U.S. Army and the FAA prior to an FAA final decision in any subsequent rulemaking action.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—[AMENDED]

1. The authority citation for 14 CFR part 73 continues to read as follows:

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

§ 73.67 [Amended]

2. Section 73.67 is amended as follows:

R–6714A Yakima, WA [Amended]

By removing the present boundaries, altitudes, and time of use and substituting the following:

Boundaries. Beginning at lat. 46°51′15″N., long. 119°57′57″W.;
thence south along the west edge of the Columbia River
to lat. 46°42′28″N., long. 119°58′19″W.;
to lat. 46°35′04″N., long. 120°02′50″W.;
to lat. 46°37′50″N., long. 120°20′26″W.;
to lat. 46°38′29″N., long. 120°20′25″W.;
to lat. 46°38′59″N., long. 120°22′13″W.;
to lat. 46°42′19″N., long. 120°26′12″W.;
then north along the east side of Interstate Highway 82
to lat. 46°47′49″N., long. 120°21′19″W.;
to lat. 46°51′09″N., long. 120°09′02″W.;
thence to point of beginning.

Designated altitudes. Surface to but not including 29,000 feet MSL.

Time of designation. 0700–2300 local time daily; other times by NOTAM.

R–6714B Yakima, WA [Amended]

By removing the present boundaries and altitudes and substituting the following:

Boundaries. Beginning at lat. 46°42′28″N., long. 119°58′19″W.;
thence south along the west edge of the Columbia River
to lat. 46°38′59″N., long. 119°56′09″W.;
to lat. 46°38′08″N., long. 119°56′13″W.;
to lat. 46°38′08″N., long. 119°55′04″W.;
to lat. 46°33′55″N., long. 119°55′04″W.;
to lat. 46°35′04″N., long. 120°02′50″W.;
thence to point of beginning.
Designated altitudes. Surface to but not including 29,000 feet MSL.

R–6714C Yakima, WA [Amended]

By removing the present boundaries and altitudes and substituting the following:

Boundaries. Beginning at lat. 46°33′55″N., long. 119°55′04″W.;
to lat. 46°32′50″N., long. 119°55′04″W.;
to lat. 46°32′50″N., long. 120°04′25″W.;
to lat. 46°37′03″N., long. 120°20′26″W.;
to lat. 46°37′50″N., long. 120°20′26″W.;
to lat. 46°35′04″N., long. 120°02′50″W.;
thence to point of beginning.
Designated altitudes. Surface to but not including 29,000 feet MSL.

R–6714D Yakima, WA [Amended]

By removing the present boundaries and altitudes and substituting the following:

Boundaries. Beginning at lat. 46o38’59’’N., long. 120o22’13’’W.;
to lat. 46°38′59″N., long. 120°23′45″W.;
to lat. 46°40′34″N., long. 120°26′39″W.;
to lat. 46°42′19″N., long. 120°26′12″W.;
thence to point of beginning.
Designated altitudes. Surface to but not including 29,000 feet MSL.

R–6714E Yakima, WA [Amended]

By removing the present boundaries and altitudes and substituting the following:

Boundaries. Beginning at lat. 46°51′15″N., long. 119°57′57″W.;
thence south along the west side of the Columbia River
to lat. 46°42′28″N., long. 119°58′19″W.;
thence south along the west side of the Columbia River
to lat. 46°38′59″N., long. 119°56′09″W.;
to lat. 46°38′08″N., long. 119°56′13″W.;
to lat. 46°38′08″N., long. 119°55′04″W.;
to lat. 46°33′55″N., long. 119°55′04″W.;
to lat. 46°33′19″N., long. 119°55′04″W.;
to lat. 46°32′50″N., long. 119°55′04″W.;
to lat. 46°32′50″N., long. 120°04′25″W.;
to lat. 46°37′03″N., long. 120°20′26″W.;
to lat. 46°37′50″N., long. 120°20′26″W.;
to lat. 46°38′29″N., long. 120°20′25″W.;
to lat. 46°38′59″N., long. 120°22′13″W.;
to lat. 46°38′59″N., long. 120°23′45″W.;
to lat. 46°40′34″N., long. 120°26′39″W.;
to lat. 46°42′19″N., long. 120°26′12″W.;
thence north along the east side of Interstate Highway 82
to lat. 46°47′49″N., long. 120°21′19″W.;
thence north along the east side of Interstate Highway 82
to lat. 46°49′35″N., long. 120°21′38″W.;
to lat. 46°51′09″N., long. 120°21′38″W.;
to lat. 46°51′09″N., long. 120°16′34″W.;
to lat. 46°54′29″N., long. 120°15′04″W.;
to point of beginning.
Designated altitudes. 29,000 feet MSL to and not including 55,000 feet MSL.

R–6714F Yakima, WA [New]

Boundaries. Beginning at lat. 46°47′49P″W., long. 120°21′19″W.;
thence north along the east side of Interstate Highway 82
to lat. 46°49′35″N., long. 120°21′38″W.;
to lat. 46°51′09″N., long. 120°21′38″W.;
to lat. 46°51′09″N., long. 120°09′02″W.;
thence to point of beginning.
Designated altitudes. Surface to but not including 29,000 feet MSL.
Time of designation. Intermittent by NOTAM.
Controlling agency. FAA, Seattle ARTCC.
Using agency. U.S. Army, Commanding General, Fort Lewis, WA.

R–6714G Yakima, WA [New]

Boundaries. Beginning at lat. 46°51′09″W., long. 120°16′34″W.;
to lat. 46°54′29″N., long. 120°15′04″W.;
to lat. 46°51′15″N., long. 119°57′57″W.;
to lat. 46°51′09″N., long. 120°08′54″W.;
thence to point of beginning.
Designated altitudes. Surface to but not including 29,000 feet MSL.
Time of designation. Intermittent by NOTAM.
Controlling agency. FAA, Seattle ARTCC.
Using agency. U.S. Army, Commanding General, Fort Lewis, WA.

R–6714H Yakima, WA [New]

Boundaries. Beginning at lat. 46°54′58″W., long. 120°00′33″W.;
excluding that airspace within a 1.5-mile radius of the Vantage Airport
to lat. 46°54′39″N., long. 119°59′31″W.;
thence south along the west side of the Wanapum Road
to lat. 46°51′15″N., long. 119°57′57″W.;
to lat. 46°54′29″N., long. 120°15′04″W.;
to lat. 46°55′20″N., long. 120°15′04″W.,
thence to point of beginning.
Designated altitudes. Surface to but not including 5,500 feet MSL.
Time of designation. Intermittent by NOTAM.
Controlling agency. FAA, Seattle ARTCC.
Using agency. U.S. Army, Commanding General, Fort Lewis, WA.

Issued in Washington, DC, on May 23, 1995.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95–13401 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–U

FEDERAL TRADE COMMISSION

16 CFR Part 409

Extension of Time; Rule Concerning Incandescent Lamp (Light Bulb) Industry

AGENCY: Federal Trade Commission.

ACTION: Extension of time for filing public comments.

SUMMARY: The Federal Trade Commission (the ‘‘Commission’’), as part of a systematic review of all its current regulations and guides, requested public comments on April 6, 1995 about the Rule Concerning the Incandescent Lamp (Light Bulb) Industry (‘‘Light Bulb Rule’’), 60 FR 17491. The Commission solicited comments until June 6, 1995. In response to a petition from an industry group, the Commission grants an extension of the comment period.

DATES: Written comments will be accepted until August 7, 1995.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Federal Trade Commission, Sixth Street & Pennsylvania Avenue NW, Washington, D.C. 20580, (202) 326–3013 (voice), (202) 326–3259 (fax).

SUPPLEMENTARY INFORMATION: As part of its periodic review of the overall costs and benefits, as well as the overall regulatory and economic impact, of all of its rules and guides, the Commission published a notice on April 6, 1995 requesting comments until June 6, 1995 concerning the Light Bulb Rule, 16 CFR Part 409. The Commission received a petition on May 9, 1995, from the Lamp Section of the National Electrical Manufacturers Association (‘‘NEMA’’), a trade association that represents light bulb manufacturers, requesting that the Commission extend the comment period for at least 60 days.[1]

NEMA requests the additional time to develop consensus industry recommendations among its members regarding various differences between the Light Bulb Rule and the new lamp labeling requirements of the Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required under the Energy Policy and Conservation Act (‘‘Appliance Labeling Rule’’), 16 CFR Part 305. See Final rule, 59 FR 25176 (1994). NEMA believes that an extension of the comment period is justified in light of further amendments to the lamp labeling requirements of the Appliance Labeling Rule that the Commission proposed on March 22,

[1] Petition for Extension of the Public Comment Period Filed by the Lamp Section of the National Electrical Manufacturers Association, May 9, 1995, submitted by Mark L. Perlis, Counsel to NEMA Lamp Section, Dickstein, Shapiro & Morin, L.L.P., 2101 L Street NW, Washington, DC 20037–1526. The petition and Mr. Perlis’ cover letter dated May 9, 1995 to Donald S. Clark, Secretary of the Commission, have been placed on the Commission’s public record of this proceeding.

1995, 60 FR 15200 (1995), in response to a separate petition from NEMA.[2]

In light of overlapping labeling requirements of the Light Bulb Rule and the Appliance Labeling Rule for incandescent light bulbs (other than incandescent reflector bulbs) and the pending proposed amendments to the labeling requirements for incandescent light bulbs (including incandescent reflector bulbs) under the Appliance Labeling Rule, the Commission has determined that an extension of the comment period is appropriate. Therefore, to allow all interested persons the opportunity to supply the Commission with written data, views and arguments concerning the Commission's review of the Light Bulb Rule, the Commission grants an extension of the comment period to August 7, 1995.

List of Subjects in 16 CFR Part 409

Advertising, Consumer protection, Energy conservation, Household appliances, Labeling, Lamp products, Trade practices.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–13361 Filed 5–31–95; 8:45 am]

BILLING CODE 6750–01–M

[2] NEMA also notes that the U.S. Department of Energy (''DOE'') has published ''interim final rules'' regarding test procedures for incandescent light bulbs (and for other lamp products covered by the Appliance Labeling Rule). See Interim final rule, 59 FR 49468 (1994). NEMA states that, given the interim final status of the DOE testing rules, an extension of the comment period in the review of the Light Bulb Rule ''would more likely enable the commentators to base their comments and recommendations upon final Department of Energy test procedure regulations.'' The Commission stated in the Statement of Basis and Purpose for the lamp labeling amendments to the Appliance Labeling Rule that it would consider testing performed according to the test procedures mandated by DOE in its final testing rules as meeting the reasonable basis standard required by the Appliance Labeling Rule, 59 FR 25176, 25200 (1994). Therefore, final action by DOE on its testing rules is not necessary for the Commission to conduct the current review of the Light Bulb Rule.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 186

[Docket No. 80N–0196]

Japan Wax; Affirmation of GRAS Status as an Indirect Human Food Ingredient; Reproposed Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Reproposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm Japan wax as generally recognized as safe (GRAS) as an indirect human food ingredient for use as a constituent of cotton and cotton fabrics used in dry food packaging. In light of this action, the agency is withdrawing its July 9, 1982 (47 FR 29965), proposal to delete this use of Japan wax from GRAS status as an indirect human food ingredient (hereinafter referred to as the July 1982 proposal). This action results from FDA's review of all available information on Japan wax, including documents located in food additive extension file no. 393 (FAX 393) supporting its history of common use in food contact cotton bags and an acute oral toxicity study on mice that has been obtained since the publication of the July 1982 proposal to delete this use from the GRAS list.

DATES: Written comments by August 15, 1995.

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

FOR FURTHER INFORMATION CONTACT: Martha D. Peiperl, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3077.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has been conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. Under this review, the agency has evaluated the safety of Japan wax, and FDA has reconsidered its July 1982 proposal to remove Japan wax from the GRAS list.

Japan wax (CAS Reg. No. 8001–39–6), also known as Japan tallow or sumac wax, is a pale yellow vegetable tallow, containing glycerides of the C_{19}–C_{23} dibasic acids and a high content of tripalmitin. It is prepared from the mesocarp by hot pressing of immature fruits of the oriental sumac, *Rhus succedanea* (Japan, Taiwan and Indo-China), *R. vernicifera* (Japan), and *R. trichocarpa* (China, Indo-China, India, and Japan).

Japan wax is listed in § 182.70 (21 CFR 182.70) as GRAS for use as a substance migrating to food from cotton and cotton fabrics used in dry food packaging based upon a final rule published in the **Federal Register** of June 10, 1961 (26 FR 5224). This final rule was the original GRAS listing for substances migrating to food from cotton and cotton fabrics used in dry food packaging and included only substances in common use prior to that time. Japan wax was one of the substances identified to FDA, in response to the 1958 Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act (the act), by the National Cotton Council of America as being in use prior to 1958 in food contact articles (cotton bags) (Ref. 1). One member of the Council, Seydel-Woolley & Co., had reported using Japan wax for the sizing of cloth used for food bags or similar uses (Ref. 2). Japan wax had been in use in textile finishing for many years (Refs. 3 and 4). Japan wax is also listed in § 73.1(b)(2) (21 CFR 73.1(b)(2)) for use in diluents in color additive mixtures for coloring shell eggs, in § 175.105 (21 CFR 175.105) for use as a component of adhesives, in § 175.350 (d)(3) (21 CFR 175.350 (d)(3)) for use as an optional substance in vinyl acetate/crotonic acid copolymer, and in § 176.170 (a)(5) (21 CFR 176.170 (a)(5)) for use as a component of paper and paperboard in contact with aqueous and fatty foods. This action does not affect these regulated food additive or color additive uses of Japan wax.

The July 1982 proposal stated that insufficient safety data existed to affirm the GRAS status of the ingredient for indirect human food use. The July 1982 proposal also stated that the proposed action would not affect the regulated uses of Japan wax as a food additive and as a color additive diluent. The July 1982 proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

The basis for the July 1982 proposal was the evaluation of the 1975 final report of the Select Committee on GRAS Substances (the Select Committee), composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (LSRO/FASEB). This report was one of a series concerning the health aspects of using GRAS and prior-sanctioned food substances as food ingredients, done by LSRO/FASEB under contract with FDA. FDA requested these reviews of the safety of substances that were listed as GRAS only on the basis of their common use in food prior to 1958. The Select Committee's report, entitled ''Evaluation of the Health Aspects of Japan Wax as a Substance Migrating to Food from Cotton and Cotton Fabrics Used in Dry Food Packaging'' (Ref. 5), included the results of an in vitro mutagenic evaluation of Japan wax

using *Saccharomyces cerevisiae*, strain D4, and *Salmonella typhimurium*, strains TA–1536, TA–1537, and TA–1538, with and without metabolic activation (Ref. 6). In these assays, Japan wax exhibited no mutagenic activity. The Select Committee's report, however, concluded that there were insufficient data upon which to evaluate the safety of Japan wax for use as a substance migrating to food from cotton and cotton fabrics used in dry food packaging. Although FDA proposed to remove this use from the GRAS list, the July 1982 proposal further stated that if information was subsequently obtained to support the safe use of Japan wax in cotton and cotton fabrics for use in dry food packaging, FDA would reconsider the July 1982 proposal.

In the **Federal Register** of August 28, 1991 (56 FR 42668) (hereinafter referred to as the August 1991 notice of intent), FDA published a notice of intent to review all of the proposed rules that the agency had published in the **Federal Register** on or before December 31, 1985, but for which no final rule or notice of withdrawal had been published. The agency then tentatively concluded that 115 of these pre-1986 proposals should be withdrawn, including the proposed deletion of Japan wax from GRAS status, and invited comments on FDA's intent to withdraw these proposals. No comments were received concerning Japan wax.

After due consideration of all comments received in response to the August 1991 notice of intent, FDA announced in the **Federal Register** of December 30, 1991 (56 FR 67440), that it was withdrawing 89 proposed rules that were published in the **Federal Register** on or before December 31, 1985, and was deferring a decision on withdrawal of 26 proposed rules. The agency also announced that it had, on its own initiative, further reviewed its proposal to withdraw the proposed deletion from GRAS status of Japan wax, published in the July 1982 proposal, and had decided to defer the withdrawal of this proposal.

II. Safety

Since the publication of the Select Committee's report, FDA has found evidence that bears on the safe use of Japan wax in the treatment of cotton fabric used for dry food packaging. The agency has received and considered an acute oral toxicity study in which mice were given 15 grams per kilogram body weight doses of Japan wax for 5 days (Ref. 7). No mortality was observed and no adverse effects were noted in this study. The agency has also conducted a review of the scientific literature since the 1975 final report of the Select Committee and has found no information that would cause any safety concerns about this use of Japan wax.

After obtaining the acute oral toxicity study, FDA reexamined the documents in its possession and other evidence supporting the history of common use of Japan wax in cotton fabrics used in dry food packaging. The agency found letters from a textile manufacturer and from the National Cotton Council of America in a food additive extension file (FAX 393), identifying Japan wax as one of the substances being used in the sizing of cloth used for food bags prior to 1958 (Refs. 1 and 2). FAX files contain the administrative record of industry requests for continued use of food ingredients, pending FDA's publication of regulations as required by the 1958 Food Additives Amendment to the act. The requests were made in the period immediately following the passage of the Food Additives Amendment.

As provided for under § 170.30(b) (21 CFR 170.30(b)), FDA has tentatively determined that the history of safe use of Japan wax since before 1958 provides an adequate basis upon which to affirm that the use of Japan wax in cotton and cotton fabrics used in dry food packaging is GRAS. The GRAS status of this use is corroborated by the acute study and by the in vitro mutagenic evaluation. Therefore, in accordance with the provisions of §§ 170.30 and 170.35 (21 CFR 170.35), the agency is proposing to affirm that Japan wax is GRAS for use as a constituent of cotton and cotton fabrics used in dry food packaging, on the basis of its common use in food prior to 1958, corroborated by further evidence of its safety obtained since the Select Committee's evaluation.

III. Economic Impact

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

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

IV. Environmental Impact

FDA has determined under 21 CFR 25.24(b)(7) 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.

V. Prior Sanctions

The agency is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of their right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under part 181 (21 CFR part 181) or affirming it as GRAS under part 184 or 186 (21 CFR part 184 or 186), as appropriate.

VI. Comments

Interested persons may, on or before August 15, 1995, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

VII. References

The following references have been placed on display in the Dockets

Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter to the Commissioner, FDA, from National Cotton Council of America, with attached Sheet V, (3 pp.), January 25, 1960.

2. Letter to John Howard, National Cotton Council of America, from Paul Seydel, Seydel-Woolley & Co., with attached list, March 25, 1960.

3. Sayre, J. E. and C. J. Marsel, CW Report ''The $100 Million Market for Waxes,'' *Chemical Week*, p. 47, September 27, 1952.

4. Warth, A. H., ''Japan wax,'' *The Chemistry and Technology of Waxes*, 2d ed., Reinhold Publishing Corp., pp. 270–274, 1956.

5. ''Evaluation of the Health Aspects of Japan Wax as a Substance Migrating to Food From Cotton and Cotton Fabrics Used in Dry Food Packaging,'' Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1975.

6. Litton Bionetics, Inc., LBI Project No. 2468, Mutagenic Evaluation of Compound, FDA 73–50, MX8001–39–6, Japan Wax, December 24, 1975.

7. Leberco Laboratories, Assay No. 22753, Unpublished Acute Oral Toxicity Test of Japan Wax in Charles River CF–1 Mice, March 8, 1982.

List of Subjects

21 CFR part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR part 186

Food ingredients, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, the proposed rule that published in the **Federal Register** of July 9, 1982 (47 FR 29965) is withdrawn; and it is proposed that 21 CFR parts 182 and 186 be amended to read as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 182 continues to read as follows:

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

§ 182.70 [Amended]

2. Section 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* is amended by removing the entry for ''Japan wax.''

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for 21 CFR part 186 continues to read as follows:

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

4. New § 186.1555 is added to subpart B to read as follows:

§ 186.1555 Japan wax.

(a) Japan wax (CAS Reg. No. 8001–39–6), also known as Japan tallow or sumac wax, is a pale yellow vegetable tallow, containing glycerides of the C_{19}–C_{23} dibasic acids and a high content of tripalmitin. It is prepared from the mesocarp by hot pressing of immature fruits of the oriental sumac, *Rhus succedanea* (Japan, Taiwan, and Indo-China), *R. vernicifera* (Japan), and *R. trichocarpa* (China, Indo-China, India, and Japan). Japan wax is soluble in hot alcohol, benzene, and naphtha, and insoluble in water and in cold alcohol.

(b) In accordance with paragraph (b)(1) of this section, the ingredient is used as an indirect human food ingredient with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as an indirect human food ingredient is based on the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a constituent of cotton and cotton fabrics used for dry food packaging.

(2) The ingredient is used at levels not to exceed current good manufacturing practice.

(c) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Dated: May 16, 1995.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–13293 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN–28–1–6163; FRL–5213–7]

Approval and Promulgation of Implementation Plans; Minnesota Carbon Monoxide Contingency Measure

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to approve the carbon monoxide (CO) contingency measure as a revision to the Minnesota State Implementation Plan (SIP) in the Twin-Cities area. This area is designated moderate nonattainment for CO. It includes the Twin Cities of Minneapolis-Saint Paul and the following counties which comprise the CO control area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright. The USEPA action is based upon a request that was submitted by the State to satisfy the requirement of section 172(c)(9) of the Clean Air Act as amended in 1990 (CAAA). This section of the CAAA requires States with areas designated moderate or above CO or ozone nonattainment to submit contingency measures by November 15, 1993. These measures must take effect, without further action by the State or the USEPA, if an area fails to make reasonable further progress or to attain by the attainment date. The State submittal meets this requirement, of no further action to implement, because the State legislation that authorizes this measure requires the use of oxygenated gasoline on a year-round basis beginning October 31, 1995, in areas classified as CO control areas. In the State's plan no trigger event is required. Ethanol is expected to be the primary oxygenate in this area and will in large part be used to meet the year-round oxygenate requirement. Thus, in addition to the benefits from the reduction of CO emissions through the use of oxygenated gasoline, the expected use of ethanol in implementing this contingency measure is consistent with the longstanding Federal policy of using renewable fuels for a positive energy impact and the reduction of emissions of greenhouse gases.

DATES: Comments on this SIP revision and on the proposed USEPA rulemaking action must be received by July 3, 1995, to be considered in the development of the USEPA's final rulemaking action.

ADDRESSES: Written comments should be addressed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the revision request and USEPA's analysis are available for public inspection during normal business hours at the following addresses: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE–17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR), Docket and Information Center (Air Docket (6102) Room M1500, United States Environmental Protection

Agency, 401 M Street SW. Washington, D.C., 20460.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Air Enforcement Branch, Regulation Development Section (AE–17J), United States Environmental Protection, Region 5, Chicago, Illinois 60604, (312) 886–6084.

SUPPLEMENTARY INFORMATION:

I. Statutory Requirements and Guidance

For moderate CO nonattainment areas with design values of 12.7 parts per million (ppm) or less, section 172(c)(9) of the CAAA requires States to submit SIP revisions containing contingency measures, which are due by November 15, 1993, under section 172(b) of the CAAA. These provisions require contingency measures to take effect automatically, without further rulemaking action by the State or the Administrator, in the event the area fails to attain the national standard by the applicable attainment date. Certain actions, such as notification of the affected community, resource allocation, etc., would probably be needed before a measure could be implemented effectively. States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions. The USEPA believes that, to be beneficial, contingency measures must be implemented within twelve months following a finding of failure to attain the CO national ambient air quality standard. States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rulemaking actions.[1]

The Twin-Cities CO nonattainment area is a moderate area with a design value of 11.4 ppm for CO. Thus, under section 172(c)(9), Minnesota is required to submit a SIP revision containing contingency measures satisfying the above criteria. In this action, USEPA proposes to approve the State's submission as satisfying the CAAA requirements.

II. Summary of State Submittal and Analysis

Description of the Submittal

On November 12, 1993, the Commissioner of the Minnesota Pollution Control Agency submitted elements of a contingency measure SIP revision for the moderate CO nonattainment area in the Twin-Cities area of the State. This area includes the following counties which comprise the CO control area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright.[2] The contingency measure expands the current four month wintertime oxygenated gasoline program to a year-round oxygenated gasoline program. On January 25, 1994, the USEPA issued a completeness letter noting the submittal was complete except for two items of information: the results of the public hearing process; and a report of the results of a study concerning the year-round use of ethanol as the oxygenate and its effect on summertime ozone concentrations. The USEPA received the results of the public hearing process in a letter from the Commissioner of the MPCA on January 26, 1994, which demonstrated that the State had carried out the public process. The State also submitted on that date a report prepared by an environmental contractor regarding the year-round use of ethanol in the State.

The USEPA believes the State's year-round oxygenated gasoline requirement complies with the criteria for contingency measures. The program will be implemented in the event the area fails to reach attainment by 1996 because the program will go into effect on October 31, 1995. Also, all provisions of the program were adopted and enforceable prior to submittal to the USEPA on November 15, 1993. This contingency measure will produce emissions reductions during the portion of the year that the current wintertime oxygenated fuels program does not address. While there has not been a violation of the CO air quality standard since 1991, a significant number of exceedances contributing to a violation of the health standard between 1987 and 1991 were registered outside of the current four month program period. The current oxygenated gasoline program appears to be effectively reducing emissions of CO during the period of the year it is in effect. Therefore, USEPA believes the CO emissions reductions achieved by the expansion of the program throughout the rest of the year would be an important contribution to attaining the standard, in the event that the area fails to attain by the deadline. Thus, USEPA believes that it is appropriate to approve the revision.

An issue has been raised whether section 110(l) of the CAAA would prevent USEPA from approving the revision because of the potential that the year round oxygenate requirement would adversely affect summertime ozone levels. Section 110(l) bars the Administrator from approving a plan revision if the revision would interfere with any applicable requirement concerning attainment of a standard and reasonable further progress, or any other applicable requirement of the CAAA. The concern arises here because it is expected that ethanol, the primary oxygenate used in the blending program, will increase the emission of volatile organic compounds, which are ozone precursors, from the gasoline-ethanol blend.

Ethanol comprises over 65 percent of the market share for oxygenates in the Twin-Cities area. Splash blending of ethanol in gasoline increases the evaporative emissions of hydrocarbons, and section 211(h)(4) of the CAAA allows a one pound per square inch (psi) waiver of the vapor pressure limit on gasoline for ethanol blends. Increased evaporative hydrocarbon emissions could produce higher summertime ambient ozone concentrations in the area, potentially exceeding the National Ambient Air Quality Standard for ozone.

The USEPA requested that the State submit the report on year-round use of the ethanol blended gasoline in order to evaluate this potential problem.

While the Twin-Cities area is in attainment for ozone, it is difficult to accurately predict the effect that an increase in RVP resulting from increased summertime ethanol use will have on ambient ozone concentrations. The lower exhaust VOC and CO emissions resulting from the use of ethanol are believed to have some effect moderating the impact of increases in evaporative emissions of ethanol blends. Also, an increase is limited to the effects of a one psi increase in the vapor pressure limit for gasoline. In this case it is believed the use of ethanol year-round will have a positive impact on summertime ambient concentrations of carbon monoxide.[3] The State does not believe the year-round program will adversely affect ambient ozone concentrations. The State has indicated it will continue to evaluate the material

[1] See Contingency measure guideline document "Technical Support Document to Aid States With the Development of Carbon Monoxide SIPs, EPA–452/R–92–003, dated July 1992.

[2] St. Louis County (in the Duluth-Superior, Wisconsin MSA) was redesignated to attainment for carbon monoxide on April 14, 1994. The maintenance plan contains a 'park and ride' measure to reduce vehicle miles traveled in the event maintenance cannot be assured. If the first choice measure (park and ride) does not succeed in reducing the CO concentrations, the State will consider the implementation of an oxygenated gasoline program.

[3] Internal staff communication concerning past summertime exceedances of the carbon monoxide standard in Minnesota.

available on the issue, especially the comments made by the USEPA regarding the consultant's report.[4] While USEPA questions some of the conclusions in the report by the environmental consultant on this issue, it believes the potential for reduced carbon monoxide exceedances during the summer months and the positive energy benefits of the use of renewable fuels outweigh the uncertain potential for increased ozone concentrations. At this time, USEPA does not have enough information to indicate a likely increase in ozone sufficient to move the area into nonattainment for ozone, which would be a basis for disapproval.

The remainder of the State's submittal is similar in content to the original document submitted for the oxygenated gasoline program dated November 9, 1992, which USEPA approved on October 4, 1994 (59 FR 50493). The major difference is that this contingency measure is a year-round oxygenated gasoline program as opposed to the four month wintertime only program. The State's procedures document details the manner in which the program must be carried out. The USEPA is also concerned about the extent and vigor of the enforcement program to ensure oxygen content. The USEPA believes that if tax supports for the use of renewable fuels are reduced, resources for enforcement will become critical to the effectiveness of the program. Without tax credits or other forms of price support, the cost of using ethanol will increase and retailers and/or blenders will have an incentive to reduce their costs by not blending. The State and interested parties are requested to respond to this concern.

The wintertime oxygenated gasoline program submitted in November 1992, was made final on October 4, 1994, (59 FR 50493). The program requires that gasoline sold in the CO control area contain a minimum of 2.0 weight percent oxygen and must average 2.7 weight percent oxygen during the control period. The program does not include oxygen credit trading. Under the revised program, these provisions and all other aspects of the oxygenated gasoline program will apply year-round. Persons interested in more details on the year-round program are invited to review the State's wintertime oxygenated gasoline program and the USEPA analysis of it published on January 20, 1994, (59 FR 3047), or contact the Minnesota Pollution Control Agency, which is responsible for the SIP revision.

The oxygenated gasoline program requires reports to be submitted by registered blenders at the end of the control period. For the year-round program the end of the control period for reporting purposes has not been defined in the State's legislation. The USEPA believes this minor deficiency can be overcome through an administrative order.

III. Summary

The USEPA believes the State's contingency measure CO SIP meets the requirements of section 172(c)(9) of the Act, was submitted promptly, and contains all of the required elements to reduce the emissions of CO. Because State legislation requires a year-round oxygenated gasoline program to be in operation beginning in October 1995, it does not require a triggering event for startup, and the USEPA believes there are no other regulatory provisions needed to fully implement the program. The State already has a seasonal oxygenated gasoline program in place. This will simply be expanded to a year-round program, which has been developed and will be implemented and enforced by the same State administrative agencies.

The USEPA believes this plan meets the requirements for approval as a contingency measure for the control of CO emissions and proposes to approve the State plan. However, as noted above, there are a number of items the USEPA believes should be addressed. Interested parties are invited to comment on the following issues: potential for increases in ozone concentrations during the summertime resulting from the use of renewable oxygenates, the impact on the potential for cheating in the event tax supports for the use of ethanol are no longer available, and the need to define an end point for reporting purposes in the annual program.

IV. Rulemaking Action

The USEPA is proposing to approve the State of Minnesota contingency plan to control the emissions of carbon monoxide in the nonattainment area of the Twin Cities area. The USEPA will take final action on this notice following analysis of public comments on this proposal.

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

Executive Order 12866

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAAA forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 US 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of the state implementation plan or plan revisions approved in this action, the State has elected to adopt the program provided for under section 110 of the Clean Air Act. The rules and commitments being approved in this action may bind State, local and tribal governments to perform

[4] Note dated July 20, 1994, from Paul Machiele, USEPA, Ann Arbor commenting on the report entitled ''Ozone Impact of Year-Round Oxy-Fuel Program in Minnesota'', G. Whitten, B. Austin, K. O'Conner, Systems Application International, sysapp94–93/246rl, January 10, 1994.

certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. The USEPA has also determined that this action does not include a mandate that may result in estimated costs or $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 31, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671(q).

Dated: May 17, 1995.

Michelle Jordan,

Acting Regional Administrator.

[FR Doc. 95–13430 Filed 5–31–95; 8:45 am]

BILLING CODE: 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 201–9

RIN 3090–AF72

Amendment To Revise FIRMR Provisions Regarding the Standard and Optional Forms Management Program

AGENCY: Information Technology Service, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: GSA proposes to amend the Federal Information Resources Management Regulation (FIRMR) to simplify and clarify procedures related to the Standard and Optional Forms Management Program. Current procedures for this Program result in delays in the processing of forms requests, especially requests for exceptions to the use of Standard forms. This rule will streamline these processes and allow agencies to deal directly with the responsible parties regarding the issuance and printing of these forms. The specific changes in this rule include allowing agencies to obtain approval for an exception to the use of Standard forms directly from the promulgating agencies; and giving the promulgating agencies full responsibility for: certifying their proposed forms comply with applicable laws and regulations, announcing the availability of new or revised Standard forms and providing GSA with an accurate camera ready copy of the forms.

DATES: Comments must be received by July 31, 1995.

ADDRESSES: Comments may be mailed to GSA/KAR, 18th and F Streets, NW., Room 3224, Washington, DC 20405, Attn: R. Stewart Randall, or delivered to that address between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, Jr., GSA, Office of Information Resources Management Policy, Regulations Analysis Division (KAR), 18th and F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–4469 (v) or (202) 501–4469 (tdd).

SUPPLEMENTARY INFORMATION: (1) Part 201–9.202 is being amended to delegated additional authority and responsibility to agencies regarding the granting of exceptions to Standard Forms. Currently, the FIRMR requires Federal agencies to submit a request for an exception to a Standard Form directly to GSA. GSA then reviews the exception request for conformance to good forms management practices. However, GSA also forwards the exception request directly to the promulgating agency for the agency's recommendation for approval or disapproval of the exception request. Since GSA and the promulgating agency typically agree on the disposition of an exception request, GSA believes it would be more efficient to give promulgating agencies full authority for the exception request process. Accordingly, the requirement in section 201–9.202–1 paragraph (b)(2) for Federal agencies to obtain approval from GSA for exceptions to Standard forms will be removed from the FIRMR. Instead, agencies will send their exception requests directly to the agency promulgating the Standard Form.

(2) Agencies typically request to establish standard forms because of a statutory or programmatic requirement. In the past, GSA conducted research to verify a requested form was consistent with the agency's authority and would meet the agency's requirements. GSA now plans to accept agencies' certification that their new or revised forms requirements are legally required and technically adequate. This change will eliminate GSA duplicating work already performed by the agency. Agencies will also be required to announce the availability of their new revised forms in the **Federal Register** and provide GSA an accurate camera ready copy of the new revised form. GSA will no longer verify the accuracy of the camera ready copy. Agencies are being given full authority and responsibility to ensure the accuracy of their copies; just as they are with other aspects of establishing new or revised forms. These changes will be reflected in § 201–9.202–1 paragraphs (b)(4) and (b)(6). GSA will continue to publish a list of all Standard and Optional forms in its Inventory of Standard and Optional Forms and facsimiles of all forms in its Standard and Optional Forms Facsimile Handbook.

(3) Several format and editorial changes are also being made to § 201–9.202–1 to reflect the new operating environment of the forms program. FIRMR Bulletin B–3 is being revised to reflect the above changes.

(4) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweight the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 201–9

Archives and records, Computer technology, Telecommunications,

Government procurement, Property management, Records management, and Federal information processing resources activities.

For the reasons set forth in the preamble, GSA proposes to amend 41 CFR Part 201–9 as follows:

PART 201–9—CREATION, MAINTENANCE, AND USE OF RECORDS

1. The authority citation for Part 201–9 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201–9.202–1 is revised to read as follows:

§ 201–9.202–1 Standard and Optional Forms Management Program.

(a) *General.* (1) The Standard and Optional Forms Management Program was established to achieve Governmentwide economies and efficiencies through development, maintenance and use of common forms.

(2) FIRMR Bulletin B–3 contains additional guidance on the Standard and Optional Forms Management Program.

(b) *Procedures.* Each Federal agency shall—

(1) Designate an agency-level Standard and Optional Forms Liaison Representative and Alternate, and notify GSA in writing of such designees' names, titles, mailing addresses, and telephone numbers within 30 days of the designation or redesignation at the address in paragraph (b)(4) of this section;

(2) Promulgate Governmentwide Standard Forms pursuant to the agency's statutory or regulatory authority and issue in the Federal Register Governmentwide procedures on the mandatory use, revision, or cancellation of these forms;

(3) Sponsor Governmentwide Optional Forms when needed in two or more agencies and announce the Governmentwide availability, revision or cancellation of these forms;

(4) Obtain GSA approval for each new, revised or canceled Standard and Optional Form, 60 days prior to planned implementation, and certify that the forms comply with all applicable laws and regulations. Send approval requests to: General Services Administration, Regulations Analysis Division (KAR), Washington, DC 20405;

(5) Provide GSA with a camera ready copy of the Standard and Optional Forms the agency promulgates or sponsors prior to implementation, at the address shown in paragraph (b)(4) of this section;

(6) Obtain promulgator's or sponsor's approval for all exceptions to Standard and Optional Forms prior to implementation;

(7) Annually review all Standard and Optional Forms which the agency promulgates or sponsors, including exceptions, for improvement, consolidation, or cancellation;

(8) When requested by GSA and OMB, submit a summary of the Standard and Optional Forms used for collection of information covered by 5 CFR part 1320;

(9) Request approval to overprint Standard and Optional Forms by contacting: General Services Administration, Supply Management Division (3FNI–CO), 1941 Jefferson Davis Highway, Crystal Mall Building 4, Washington, DC 20406 (See 41 CFR 101–26.302); and

(10) Coordinate all matters concerning health care related Standard Forms through the Interagency Committee on Medical Records (ICMR). For additional information on the ICMR contact: General Services Administration, Forms Management Branch (CARM), 18th and F Streets, NW., Washington, DC 20405.

Dated: May 17, 1995.

Fred L. Sims,

Assistant Commissioner for Information Technology Policy and Leadership.

[FR Doc. 95–12859 Filed 5–31–95; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–43, Notice 01]

RIN No. 2127–AF05

Federal Motor Vehicle Safety Standards; Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for comments.

SUMMARY: This notice solicits comments to assist NHTSA in determining whether to propose certain amendments to Federal Motor Vehicle Safety Standard (Standard) No. 120, Tire selection and rims for motor vehicles other than passenger cars.

This rulemaking action implements NHTSA's granting of a petition for rulemaking submitted by the Tire Retreading Institute (TRI). The petition suggested that paragraph S5.1.3 of Standard No. 120 be amended to permit the installation of manufacturer-supplied retreaded tires on new trailers. As currently provided, used or retreaded tires may be installed on new trucks, buses, and trailers only if owned and provided by the vehicle purchaser. This notice solicits comments on that suggestion and, in addition, solicits comments on whether the standard should be further amended to permit manufacturers and/or distributors and dealers, in addition to the vehicle purchasers, to install used as well as retreaded tires on new trucks and buses as well as trailers.

DATES: Comment closing date: Comments on this notice must be received on or before September 29, 1995.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5109, Washington, DC 20590. Docket Room hours are from 9:30 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Telephone (202) 366–6617.

SUPPLEMENTARY INFORMATION:

I. Background

Standard No. 120 requires that vehicles equipped with pneumatic tires for highway service be equipped with new tires that meet the requirements of either Standard No. 109, New pneumatic tires (49 CFR 571.109) or Standard 119, New pneumatic tires for vehicles other than passenger cars (49 CFR 571.119).[1] Paragraph S5.1.3 of Standard No. 120, however, provides that in place of tires that meet Standard No. 119, a truck, bus, or trailer may, at the request of the vehicle purchaser, be equipped at the place of manufacture of the vehicle with used or retreaded tires owned or leased by the vehicle purchaser. The sum of the maximum load ratings of the tires must meet the requirements of paragraph S5.1.2 of the standard, which requires that the sum of the maximum load ratings of the tires fitted to an axle be not less than the gross axle weight rating of the axle system. Also, only used tires originally

[1] Standard No. 120 also requires vehicles to be equipped with rims that are listed by tire manufacturers as suitable for use with their tires in accordance with Standard Nos. 109 and 119.

manufactured to comply with Standard No. 119, as evidenced by a DOT symbol marked on the sidewall of the tire, can qualify for the S5.1.3 exception.

Standard No. 120 was promulgated by **Federal Register** notice dated January 23, 1976 (41 FR 3467), and became effective in phases between September 1, 1976 and September 1, 1979. Initially, the S5.1.3 exception applied only to used tires owned or leased by the vehicle purchaser, if the maximum load ratings were sufficient to carry the loads of the axles on which they were installed. This was intended to accommodate ''mileage contract'' purchasers, a common practice in the commercial truck, bus and trailer industry in which the purchaser's vehicles are equipped with tires purchased or leased from a supplier on a cost-per-mile basis.

In reviewing the standard after its issuance, NHTSA noted some minor errors and some portions of the standard that required clarification. The agency published a Notice of Proposed Rulemaking (NPRM) on October 30, 1980 (45 FR 71834) proposing to amend S5.1.3 to permit the installation of retreaded as well as used tires, but limiting that exception to mileage contract purchasers only. The agency reasoned that suppliers that provided tires on a mileage contract basis had a contractual obligation to ensure that the tires were serviceable and safe for use on the vehicles for which they were intended. The agency further believed that this safeguard would not exist in the case of any other purchaser who was merely trying to save the cost of purchasing new tires, since a purchaser could send the vehicle manufacturer palpably unsafe tires for mounting on a new vehicle.

Thirteen comments to the NPRM were received, 12 of which opposed the provision limiting the exception to mileage contract purchasers. The commenters stated that it is common practice for all vehicle fleets, not just mileage contract purchasers, to send tires from their tire banks to vehicle manufacturers for mounting on the new vehicles they order. Tire banks are composed of serviceable tires that have been removed from vehicles that are no longer in service. The commenters argued that the proposal in the NPRM to limit the used/retreaded tire exception to mileage contract purchasers would effectively eliminate the practice of maintaining tire banks, thereby increasing costs for the vehicle fleets affected with no safety justification for doing so. Some commenters also argued that it made no sense for a purchaser to spend $65,000 to $75,000 for a new vehicle, then install unsafe tires on it. Finally, one commenter correctly pointed out that Standard No. 120 did not require that new vehicles be equipped with tires. Therefore, a purchaser could, if it chose to do so, order a new vehicle for delivery without tires, then install unsafe tires on it after delivery.

NHTSA was persuaded by those comments and decided not to limit the use of used and retreaded tires only to mileage contract purchasers, but to widen the exception to permit all purchasers to provide their own tires. In addition, since all commenters who addressed the retread tire proposal supported it, NHTSA adopted that provision for inclusion in S5.1.3. NHTSA then published the final rule promulgating the current provisions of Standard No. 120 on May 17, 1984 (49 FR 20822).

II. Petition for Rulemaking

The Tire Retreading Institute (TRI), a division of the National Tire Dealers and Retreaders Association, suggested in a petition for rulemaking that the used/retreaded tire exception of S5.1.3 be amended to permit the installation of manufacturer-supplied retreaded tires on new trailers. TRI argued that retreaded tires from any source should be permitted as long as they meet appropriate quality standards and as long as the vehicle purchaser is informed that the vehicle has retreaded tires. TRI believed that permitting the installation of manufacturer-supplied retreaded tires would give the purchaser greater flexibility in the choice of tires for the new vehicle.

TRI asserted that the current restriction on the source of retreaded tires is not supported by safety considerations. TRI suggested that by permitting the use of purchaser-supplied retreaded tires on new trailers, NHTSA acknowledged that retreaded tires can safely be used on those vehicles. TRI believed that NHTSA decided to permit installation of only purchaser-supplied used or retreaded tires and not manufacturer-supplied used or retreaded tires because the agency believed purchasers have an interest, perhaps not shared by manufacturers, in ensuring that higher quality tires are placed on their own vehicles. TRI argued that, to the contrary, the vehicle manufacturer would be more knowledgeable than the purchaser of the safety characteristics of the vehicle and its tires and, because of vehicle warranty and liability considerations, would select retreaded tires with the same quality considerations as in selecting such vehicle components as axles, bearings, or new tires. Since the retreaded tires would be installed at the manufacturer's initiative, TRI considered it essential that the purchaser be advised in writing that the new vehicle was equipped with retreaded tires, giving the purchaser the opportunity to make further inquiries or impose additional requirements, while still enjoying the cost advantage of retreaded tires.

TRI also argued that the current exclusion of manufacturer-supplied retreaded tires is unfair to small purchasers of trailers. TRI said that currently, only large fleet owners with tire banks can take advantage of the cost savings of retreaded tires, while small businesses with only a few vehicles and no available supply of tire casings cannot. TRI argued that the current regulation discriminates against small purchasers because these businesses must acquire retreaded tires from another source and ship them to the manufacturer for installation. TRI considered this an unnecessary, burdensome practice.

TRI also asserted that in the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.*, Congress mandated the use of recycled products to the maximum extent practicable, including the use of retreaded tires. TRI further referred to an Environmental Protection Agency (EPA) regulation that, in implementing the RCRA, requires federal agencies to procure retreaded tires ''to the maximum extent possible'' (40 CFR 253.10). Accordingly, the petitioner believed that the current restriction on manufacturer-supplied retreaded tires contravenes these governmental policies of promoting the maximum use of retreaded tires.

III. Agency Analysis of Petition

As discussed above, paragraph S5.1.3 of Standard No. 120 permits manufacturers of new trucks, buses, and trailers to install used or retreaded tires on those new vehicles only if such tires are supplied by the vehicle purchaser. Apart from that narrow exception, paragraph S5.1.1 of the standard requires the installation of new tires that meet the requirements of Standard Nos. 109 or 119.

While there is a Federal motor vehicle safety standard, Standard No. 117, *Retreaded pneumatic tires*, for retreaded tires on passenger cars, there is no similar standard for retreaded tires for vehicles other than passenger cars. Further, there are no performance standards applicable to used tires since this agency does not have authority to regulate used vehicles or equipment. As noted above, in issuing the S5.1.3

exception NHTSA reasoned that motor vehicle purchasers would be likely to provide safe, serviceable tires for installation on their new vehicles. NHTSA believes that reasoning has been vindicated in that the agency has received no reports of any safety problems associated with the use of purchaser-provided used or retreaded tires. The agency still believes, however, that such reasoning would not extend to manufacturer-supplied used or retreaded tires and that, warranty and liability considerations notwithstanding, manufacturers, distributors and dealers would not have as great an interest as vehicle purchasers in providing safe, serviceable used or retreaded tires on their new vehicles. Further, manufacturers would not know the history of the used or retreaded tire casings as well as the vehicle purchaser would be expected to know.

Nevertheless, although NHTSA disagrees with some of the petitioner's arguments, the agency granted TRI's petition on August 12, 1993, in the belief that the petitioner raised some issues that merit further consideration. For example, the petitioner argues that installation of retreaded tires should be permitted, regardless of their source. Although this agency has received mixed reviews regarding the performance of retreaded tires, the petitioner correctly pointed out the policy of the Federal government in utilizing recycled products, including retreaded tires, to the extent practicable (see the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*, and implementing regulations at 40 CFR part 253). The petitioner also correctly asserted that manufacturer-installed retreaded tires would provide purchasers greater flexibility in the choice of tires for their vehicles, as long as the purchaser was notified in writing that the vehicle was equipped with retreaded tires.

On the other hand, the agency does not agree with the petitioner's assertion that the current limited exception in S5.1.3 is not supported by safety considerations. The agency believes that permitting vehicle purchasers to supply their own tires for their new vehicles is consistent with motor vehicle safety. Given the interest of vehicle purchasers in their personal safety and their economic interest in protecting their investment in their vehicles, vehicle purchasers have a strong motivation to install safe tires on their new vehicles. Further, although the agency is confident that most vehicle manufacturers are reliable and reputable and would select safe and serviceable tires for the vehicles they produce, it cannot be assumed that all manufacturers would be consistently reliable or conscientious in their selection of used and/or retreaded tires.

Finally, NHTSA does not agree with the petitioner that the current exclusion of manufacturer-supplied used or retreaded tires discriminates against small businesses. Large businesses generally are in a better position than small businesses to take advantage of cost savings by large quantity transactions in return for discount prices. In this case, the standard gives both large and small businesses the advantage of utilizing tires already on hand on their new vehicles, thus saving the unnecessary costs of purchasing unneeded new tires.

Although the petition suggested relaxing the limitation on the current S5.1.3 exception only to the extent of allowing installation of manufacturer-supplied retreaded tires on new trailers, NHTSA believes that it is appropriate to consider permitting the installation of manufacturer, distributor, and dealer-supplied used tires as well as retreaded tires on trucks and buses as well as trailers. This agency is committed to the use of recycled products to the extent practicable within the constraints of motor vehicle safety. Accordingly, if the use of used and retreaded tires, whether supplied by the purchaser, manufacturer, or distributor/dealer, is not inimical to motor vehicle safety, then NHTSA is receptive to considering further relaxation of the exception.

IV. Issues for NHTSA Consideration

As pointed out above, NHTSA has no data on any correlation between motor vehicle safety and the use of used and retreaded tires on new trucks, buses, and trailers. The agency is hopeful, therefore, that this notice will elicit meaningful comments and suggestions on which to base a decision on whether or not to amend the exception in Standard No. 120 and, if so, to what extent. Accordingly, NHTSA requests comments on the following specific issues:

1. How many or what percentage of new trucks, buses, and trailers are sold per year with purchaser-supplied used or retreaded tires installed?

2. Who are the heaviest users of the S5.1.3 exception, mileage contract/tire bank purchasers or private citizens?

3. Should any amendment to Standard No. 120 be limited to permitting the installation of only manufacturer-supplied retreaded tires only on new trailers? Should distributor/dealer-supplied retreaded tires also be permitted to be installed on new trailers?

4. Should Standard No. 120 be amended to permit the installation of manufacturer-supplied retreaded tires on new trucks and buses as well as trailers? Should installation of distributor/dealer-supplied retreaded tires be permitted on new trucks and buses as well as trailers?

5. Should Standard No. 120 be amended to permit the installation of manufacturer-supplied used tires on new trailers only? Should distributor/dealer-supplied used tires also be permitted on new trailers?

6. Should Standard No. 120 be amended to permit the installation of manufacturer-supplied used tires on new trucks and buses as well as new trailers? Should distributor/dealer-supplied used tires also be permitted on new trucks and buses?

7. Should used and/or retreaded tires be permitted on new school buses? On steering and/or drive axles of other new vehicles?

Note: 49 CFR 393.75(d) prohibits the use of retreaded tires on the steering axles of buses operated in interstate commerce.

8. Should NHTSA propose a Federal motor vehicle safety standard applicable to retreaded tires for motor vehicles other than passenger cars? If so, should it parallel Standard No. 117? Standard No. 119?

9. What requirements or criteria should be established for the installation of manufacturer or distributor/dealer-supplied used and/or retreaded tires on new motor vehicles other than passenger cars?

10. Should new vehicle purchasers, if not supplying or requesting the tires, be notified of the installation of used or retreaded tires? In writing? Orally?

11. What would be the economic impact of permitting the installation of manufacturer or distributor/dealer-supplied retreaded tires on new trailers? On new trucks and buses as well as trailers?

12. What would be the economic impact of permitting the installation of manufacturer or distributor/dealer-supplied used tires on new trailers? On new trucks and buses as well as trailers?

13. What would be the environmental impact of permitting the installation of manufacturer or distributor/dealer-supplied retreaded tires on new trailers? On new trucks and buses as well as trailers?

14. What would be the environmental impact of permitting the installation of manufacturer or distributor/dealer-supplied used as well as retreaded tires on new trailers? On new trucks and buses as well as trailers?

V. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice was not reviewed under Executive Order 12866. NHTSA has considered the impacts associated with this request for comments and has concluded that it is not significant under DOT's Regulatory Policies and Procedures. As explained above, this document requests comments to aid the agency in determining whether to propose amending Standard No. 120 and if so, the extent of such amendment.

B. Executive Order 12612 (Federalism)

NHTSA 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 preparation of a Federalism Assessment.

VI. Comments

Interested persons are invited to submit comments on this proposal. It is requested but not required that any comments be submitted in 10 copies each.

Comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in concise fashion. Necessary attachments may be appended to these submissions without regard to the 15-page limit.

If a commenter wishes to submit certain information under a claim of confidentiality, 3 copies of the complete submission, including the purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address shown above, and 7 copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in 49 CFR part 512, the agency's confidential business information regulation.

All comments received on or before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available to the public for examination in the docket at the above address both before and after the closing date. To the extent possible, comments received after the closing date will be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for public inspection in the docket. NHTSA will continue to file relevant information in the docket after the closing date, and it is recommended that interested persons continue to monitor the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on May 23, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–13314 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 60, No. 105

Thursday, June 1, 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.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 95–017N]

FLD Policy Memoranda; Semi-Annual Listing

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document lists and makes available to the public memoranda which were issued by the Food Labeling Division (FLD), Regulatory Programs, Food Safety and Inspection Service (FSIS). These memoranda contain significant new applications or interpretations of the Federal Meat Inspection Act, the Poultry Products Inspection Act, the regulations promulgated thereunder, or departmental policy concerning labeling.

FOR FURTHER INFORMATION CONTACT: Cheryl Wade, Director, Food Labeling Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 254–2590.

SUPPLEMENTARY INFORMATION: Pursuant to section 7 of the Federal Meat Inspection Act (21 U.S.C. 607 *et seq.*) and section 8 of the Poultry Products Inspection Act (21 U.S.C. 457 *et seq.*), and the regulations promulgated thereunder (9 CFR 301.1 *et seq.* and 9 CFR 381.1 *et seq.*), meat and poultry products which do not bear approved labels or other labeling may not be distributed in commerce for use as human food. Accordingly, FSIS conducts a prior approval program for labels or other labeling (specified in 9 CFR 317.4, 317.5, 381.132 and 381.134) to be used on or in conjunction with federally inspected meat and poultry products.

FSIS's prior labeling approval program is conducted by labeling review experts within FLD. A variety of factors, such as continuing technological innovations in food processing and expanded public concern regarding the presence of various substances in foods, has generated a series of increasingly complex issues which FLD must resolve as part of the prior labeling approval process. In interpreting the Acts and regulations to resolve these issues, FLD may modify its policies on labeling or develop new ones.

Significant or novel interpretations or determinations made by FLD are issued as policy memoranda. This notice lists five FLD policy memoranda which were issued during the period of October 1, l994, through April 1, 1995.

Persons interested in obtaining copies of the FLD policy memoranda or in being included on a list for automatic distribution of future FLD policy memoranda may write to: Printing and Distribution Section, Paperwork Management Branch, Administrative Services Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, or call (202) 720–4661; fax (202) 720–5400.

Memo No.	Title and date	Issue	Reference
066C	Uncooked Red Meat Products Containing Added Substances, November 30, 1994.	What are the policies for labeling uncooked (both cured and uncured) red meat products that weigh more than the weight of the fresh article?	(Supersedes Policy Memo 066B); 9 CFR 318.7(c)(4); Policy Memo 087A; 9 CFR 319.101 and 102; 9 CFR 319.104 and 105; FSIS Directive 7110.2 (Rev. 1); Policy Memo 084A; 9 CFR 317.2 (b); Policy Memo 081A.
084A	Cooked Red Meat Products Containing Added Substances, November 30, 1994.	What are the policies for labeling cooked corned (cured) beef products, and cooked cured pork products not addressed by the cured pork products regulation (9 CFR 319.104), and cooked uncured products that weigh more than the weight of the fresh uncured article?.	(Supersedes Policy Memo 084); 9 CFR 319.104(b); Policy Memo 087A and Policy Memo 109; Policy Memo 066C; 9 CFR 317.2(b).
121B	Labeling of Modified, Substitute Versions of Fresh (Species) Sausage, Hamburger, or Ground Beef Products With Added Ingredients Used to Replace Fat That Qualify for Use of Certain Nutrient Content Claims Associated With a Reduction in Fat Content, January 20, 1995.	How should modified, substitute versions of fresh (species) sausage (e.g., fresh pork sausage, fresh beef sausage) ground beef, or hamburger products containing added ingredients used to replace fat be identified, and what other requirements are necessary to obtain label approval and use of final labels?	(Supersedes Policy Memo 121A); 9 CFR 317.2(j)(1); 9 CFR 319.141, 319.142, and 319.15; 9 CFR 318.7(c)(4); 9 CFR 317.362; 21 CFR 130.10; Policy Memo 123 and 9 CFR 317.2(b).

Memo No.	Title and date	Issue	Reference
123	Modified Breakfast Sausage, Cooked Sausage, and Fermented Sausage Products Identified by a Nutrient Content Claim and a Standardized or Traditional Name, January 20, 1995.	How should modified, substitute versions of breakfast sausage, cooked sausages (e.g., frankfurters), and fermented sausages (e.g., pepperoni) that are defined by regulatory standards in 9 CFR Parts 319 and/or in the Standards and Labeling Policy Book be identified when containing added ingredients used to replace fat; and, what requirements must be met to obtain approval and use of final labels?	9 CFR 317; 9 CFR 381; 9 CFR 318.7(c)(4) and 381.147(f)(4); 21 CFR 130.10; Policy Memo 121B and Policy Memo 069.
124	Declaration of Net Quantity of Contents on Combination Packages Containing Liquid and Solid Products, January 17, 1995.	What are the Net Contents Labeling Requirements for Combination Packages Which Contain Both Liquid and Solid Products?	9 CFR 317.2(h) and 381.121; National Institute of Standards and Technology Handbook 130.

The FLD policies specified in these memoranda will be uniformly applied to all relevant labeling applications unless modified by future memoranda or more formal Agency actions. Applicants retain all rights of appeal regarding decisions based upon these memoranda.

Done at Washington, DC, on May 24, 1995.

Cheryl Wade,

Director, Food Labeling Division, Regulatory Programs Food Safety and Inspection Service.

[FR Doc. 95–13290 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–DM–P

[Docket No. 95–027N]

National Advisory Committee on Microbiological Criteria for Foods; Subcommittee Meeting

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Advisory Committee on Microbiological Criteria for Foods' Subcommittee on Codex will be holding a meeting on Wednesday, June 14, 1995, from 12 p.m. to 5 p.m., and on Thursday, June 15, 1995, from 8:30 a.m. to 3 p.m. at the U.S. Department of Agriculture, Room 614, 300 12th Street, SW., 12th and C Street SW., Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Dr. Marvin A. Norcross, U.S. Coordinator for Codex Alimentarius, USDA, Food Safety and Inspection Service, Room 311, West End Court, Washington, DC 20250–3700, telephone (202) 254–2517; fax (202) 254–2530.

SUPPLEMENTARY INFORMATION: The Codex Alimentarius Food Standards Programme has asked the International Commission on Microbiological Specifications for Foods (ICMSF) to develop a document on general principles for the establishment and application of microbiological criteria for foods. The ICMSF has drafted a document titled ''Principles for Establishment and Application of Microbiological Specifications for Foods.'' In April 1995, the U.S. Delegate to the Codex Committee on Food Hygiene asked the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) to critique the ICMSF draft document.

The Subcommittee's work is under the auspices of the full Committee, which provides advice and recommendations to the Secretaries of Agriculture, and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria pertaining to microorganisms that indicate whether food has been processed using food manufacturing processes.

The Subcommittee meeting is open to the public on a space available basis. Interested persons may file comments prior to and following the meeting. Comments should be addressed to: Mr. Craig Fedchock, Advisory Committee Specialist, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 311, West End Court Building, Washington, DC 20250–3700. To receive copies of the background materials, including the ICMSF draft document, contact Mr. Fedchock on (202) 254–2517. Background materials may also be inspected in the Docket Clerk's Office, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 4352, South Agriculture Building, 14th Street & Independence Ave., SW., Washington DC 20250–3700.

Done at Washington, DC, on May 26, 1995.

Michael R. Taylor,

Administrator, Food Safety and Inspection Service.

[FR Doc. 95–13388 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–DM–M

Forest Service

Newspapers To Be Used for Publication of Legal Notice of Appealable Decisions and Publication of Notice on Proposed Actions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Southern Region will publish notice of decisions subject to administrative appeal under 36 CFR parts 215 and 217 in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As provided in 36 CFR 215.5(a) and 217.5(d), the public shall be advised, through **Federal Register** notice, of the principal newspaper to be utilized for publishing legal notices of decisions. Newspaper publication of notices of decisions is in addition to direct notice of decisions to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

In addition, Responsible Officials in the Southern Region will also publish notice of proposed actions under 36 CFR part 215 in the newspapers that are listed in the Supplementary Information section of this notice. As provided in 36 CFR 215.5(a), the public shall be advised, through **Federal Register** notice, of the principal newspapers to

be utilized for publishing notices on proposed actions.

DATES: Use of these newspapers for purposes of publishing legal notices of decisions subject to appeal under 36 CFR parts 215 and 217, and notices of proposed actions under 36 CFR part 215 shall begin on or after the date of this publication.

FOR FURTHER INFORMATION CONTACT: Jean Paul Kruglewicz, Regional Appeals Coordinator, Southern Region, Planning and Budget, 1720 Peachtree Road, NW, Atlanta, Georgia 30367–9102, Phone: 404–347–4867.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 and Responsible Officials in the Southern Region will give notice of decisions subject to appeal under 36 CFR part 215 in the following newspapers which are listed by Forest Service administrative unit. Responsible Officials in the Southern Region will also give notice of proposed actions under 36 CFR part 215 in the following principal newspapers which are listed by Forest Service administrative unit. The timeframe for comment on a proposed action shall be based on the date of publication of the notice of the proposed action in the principal newspaper. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper for both 36 CFR parts 215 and 217.

The following newspapers will be used to provide notice.

Southern Region

Regional Forester Decisions:
- Affecting National Forest System lands in more than one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico.
- *Atlanta Journal,* published daily in Atlanta, GA

Southern Region

Regional Forester Decisions:
- Affecting National Forest System lands in only one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico will appear in the principal newspaper elected by the National Forest(s) of that state.

National Forest in Alabama, Alabama

Forest Supervisor Decisions:
- *Montgomery Advertiser,* published daily in Montgomery, AL

District Rangers Decisions:
- Bankhead Ranger District: *Northwest Alabamian,* published weekly (Monday & Thursday) in Haleyville, AL
- Conecuh Ranger District: *The Andalusia Star,* published daily (Tuesday through Saturday) in Andalusia, AL
- Oakmulgee Ranger District: *The Tuscaloosa News,* published daily in Tuscaloosa, AL
- Shoal Creek Ranger District: *The Anniston Star,* published daily in Anniston, AL
- Talladega Ranger District: *The Daily Home,* published daily in Talladega, AL
- Tuskegee Ranger District: *Tuskegee News,* published weekly (Thursday) in Tuskegee, AL

Caribbean National Forest, Puerto Rico

Forest Supervisor Decisions:
- *El Nuevo Dia,* published daily in Spanish in San Juan, PR
- *San Juan Star,* published daily in San Juan, PR

District Ranger Decisions:
- *El Horizonte,* published weekly (Wednesday) in Fajardo, PR

Chattahoochee-Oconee National Forest, Georgia

Forest Supervisor Decisions:
- *The Times,* published daily in Gainesville, GA

District Ranger Decisions:
- Armuchee Ranger District: *Walker County Messenger,* published bi-weekly (Wednesday & Friday) in LaFayette, GA
- Toccoa Ranger District: *The News Observer,* published weekly (Wednesday) in Blue Ridge, GA
- Chestatee Ranger District: *Dahlonega Nugget,* published weekly (Thursday) in Dahlonega, GA
- Brasston Ranger District: *North Georgia News,* published weekly (Wednesday) in Blairsville, GA
- Tallulah Ranger District: *Clayton Tribune,* published weekly (Thursday) in Clayton, GA
- Chattooga Ranger District: *Northeast Georgian,* published weekly (Tuesday) in Cornelia, GA
- *Toccoa Record,* published weekly (Thursday) in Toccoa, GA
- *White County News,* published weekly (Thursday) in Cleveland, GA
- Cohutta Ranger District: *Chatsworth Times,* published weekly (Tuesday) in Chatsworth, GA
- Oconee Ranger District: *Monticello News,* published weekly (Thursday) in Monticello, GA

Cherokee National Forest, Tennessee

Forest Supervisor Decisions:
- *Knoxville News Sentinel,* published daily in Knoxville, TN (covering McMinn, Monroe, and Polk Counties)
- *Johnson City Press,* published daily in Johnson City, TN (covering Carter, Cocke, Greene, Johnson, Sullivan, Unicoi and Washington Counties)

District Rangers Decisions:
- Ocoee Ranger District: *Polk County News,* published weekly (Wednesday) in Benton, TN
- Hiwassee Ranger District: *Daily Post-Athenian,* published daily (Monday–Friday) in Athens, TN
- Tellico Ranger District: *Monroe County Advocate,* published weekly (Thursday) in Sweetwater, TN
- Nolichucky Ranger District: *Greeneville Sun,* published daily (Monday–Saturday) in Greeneville, TN
- Unaka Ranger District: *Johnson City Press,* published daily in Johnson City, TN
- Watauga Ranger District: *Elizabethton Star,* published daily (Sunday–Friday) in Elizabethton, TN

Daniel Boone National Forest, Kentucky

Forest Supervisor Decisions:
- *Lexington Herald-Leader,* published daily in Lexington, KY

District Rangers Decisions:
- Morehead Ranger District: *Morehead News,* published bi-weekly (Tuesday and Friday) in Morehead, KY
- Stanton Ranger District: *The Clay City Times,* published weekly (Thursday) in Clay City, KY
- Berea Ranger District: *Jackson County Sun,* published weekly (Thursday) in McKee, KY
- London Ranger District: *The Sentinel-Echo,* published tri-weekly (Monday, Wednesday, and Friday) in London, KY
- Somerset Ranger District: *Commonwealth-Journal,* published daily (Sunday through Friday) in Somerset, KY
- Stearns Ranger District: *McCreary County Record,* published weekly (Tuesday) in Whitley City, KY
- Redbird Ranger District: *Manchester Enterprise,* published weekly (Thursday) in Manchester, KY

National Forests in Florida, Florida

Forest Supervisor Decisions:
- *The Tallahassee Democrat,* published daily in Tallahassee, FL

District Rangers Decisions:
- Apalachicola Ranger District: *The Weekly Journal,* published weekly (Wednesday) in Bristol, FL
- Lake George Ranger District: *The Ocala Star Banner,* published daily

in Ocala, FL
Osceola Ranger District: *The Lake City Reporter,* published daily (Monday–Saturday) in Lake City, FL
Seminole Ranger District: *The Daily Commercial,* published daily in Leesburg, FL
Wakulla Ranger District: *The Tallahassee Democrat,* published daily in Tallahassee, FL

Francis Marion & Sumter National Forest, South Carolina

Forest Supervisor Decisions:
The State, published daily in Columbia, SC
District Rangers Decisions:
Enoree Ranger District: *Newberry Observer,* published tri-weekly (Monday, Wednesday, and Friday) in Newberry, SC
Andrew Pickens Ranger District: *Seneca Journal and Tribune,* published bi-weekly (Wednesday and Friday) in Seneca, SC
Long Cane Ranger District: *The State,* published daily in Columbia, SC
Wambaw Ranger District: *News and Courier,* published daily in Charleston, SC
Witherbee Ranger District: *News and Courier,* published daily in Charleston, SC
Tyger Ranger District: *The Union Daily Times,* published daily in Union, SC

George Washington and Jefferson National Forests, Virginia

Forest Supervisor Decisions:
Roanoke Times & World-News, published daily in Roanoke, VA
District Rangers Decisions:
Lee Ranger District: *Shenandoah Valley Herald,* published weekly (Wednesday) in Woodstock, VA
Warm Springs Ranger District: *The Recorder,* published weekly (Thursday) in Monterey, VA
Pedlar Ranger District: *News-Gazette,* published weekly (Wednesday) in Lexington, VA
James River Ranger District: *Virginian Review,* published daily (except Sunday) in Covington, VA
Deerfield Ranger District: *Daily News Leader,* published daily in Staunton, VA
Dry River Ranger District: *Daily News Record,* published daily (except Sunday) in Harrisonburg, VA
Blacksburg Ranger District: *Roanoke Times & World-News,* published daily in Roanoke, VA
Monroe Watchman, published weekly (Thursday) in Union, WV (only for those decisions in West VA—notice will be published in the *Roanoke Times* and *Monroe Watchman.*)
Glenwood Ranger District: *Roanoke Times & World-News,* published daily in Roanoke, VA
New Castle Ranger District: *Roanoke Times & World-News,* published daily in Roanoke, VA
Monroe Watchmen, published weekly (Thursday) in Union, WV (only for those decisions in West VA—notice will be published in the *Roanoke Times* and *Monroe Watchman.)*
Mount Rogers National Recreation Area: *Bristol Herald Courier,* published daily in Bristol, VA
Clinch Ranger District: *Kingsport-Times News,* published daily in Kingsport, TN
Wythe Ranger District: *Southwest Virginia Enterprise,* published bi-weekly (Wednesday and Saturday) in Wytheville, VA

Kisatchie National Forest, Louisiana

Forest Supervisor Decisions:
Alexandria Daily Town Talk, published daily in Alexandria, LA
District Ranger Decisions:
Caney Ranger District: *Minden Press Herald,* published daily in Minden, LA
Homer Guardian Journal, published weekly (Wednesday) in Homer, LA
Catahoula Ranger District: *Alexandria Daily Town Talk,* published daily in Alexandria, LA
Colfax Chronicle, published weekly (Wednesday) in Colfax, LA
Evangeline Ranger District: *Alexandria Daily Town Talk,* published daily in Alexandria, LA
Kisatchie Ranger District: *Natchitoches Times,* published bi-weekly (Sunday and Wednesday) in Natchitoches, LA
Vernon Ranger District: *Leesville Leader,* published daily in Leesville, LA
Winn Ranger District: *Winn Parish Enterprise,* published weekly (Wednesday) in Winnfield, LA

National Forests in Mississippi, Mississippi

Forest Supervisor Decisions:
Clarion-Ledger, published daily in Jackson, MS
District Ranger Decisions:
Bienville Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Biloxi Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Black Creek Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Bude Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Chickasawhay Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Delta Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Holly Springs Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Homochitto Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Strong River Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Tombigbee Ranger District: *Clarion-Ledger,* published daily in Jackson, MS
Ashe-Erambert Ranger District: *Clarion-Ledger,* published daily in Jackson, MS

National Forests in North Carolina, North Carolina

Forest Supervisor Decisions:
The Asheville Citizen-Times, published daily in Ashville, NC
District Ranger Decisions:
Cheoah Ranger District: *Graham Star,* published weekly (Thursday) in Robbinsville, NC
Croatan Ranger District: *The Sun Journal,* published weekly (Sunday through Friday) in New Bern, NC
French Broad Ranger District: *The Ashville Citizen-Times,* published daily in Asheville, NC
Grandfather Ranger District: *McDowell News,* published daily in Marion, NC
Highlands Ranger District: *The Highlander,* published weekly (May–Oct Tues & Fri; Oct–April Tues only) in Highlands, NC
Pisgah Ranger District: *The Asheville Citizen-Times,* published daily in Asheville, NC
Toecane Ranger District: *The Asheville Citizen-Times,* published daily in Asheville, NC
Tusquitee Ranger District: *Cherokee Scout,* published weekly (Wednesday) in Murphy, NC
Uwharrie Ranger District: *Montgomery Herald,* published weekly (Wednesday) in Troy, NC
Wayah Ranger District: *The Franklin Press,* published bi-weekly (Wednesday and Friday) in Franklin, NC

Ouachita National Forest, Arkansas, Oklahoma

Forest Supervisor Decisions:
Arkansas Democrat-Gazette, published daily in Little Rock, AR
District Ranger Decisions:
Caddo Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Cold Springs Ranger District: *Arkansas Democrat-Gazette,*

published daily in Little Rock, AR
Fourche Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Jessieville Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Mena Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Oden Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Poteau Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Winona Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Womble Ranger District: *Arkansas Democrat-Gazette,* published daily in Little Rock, AR
Choctaw Ranger District: *Tulsa World,* published daily in Tulsa, OK
Kiamichi Ranger District: *Tulsa World,* published daily in Tulsa, OK
Tiak Ranger District: *Tulsa World,* published daily in Tulsa, OK

Ozark-St. Francis National Forest: Arkansas

Forest Supervisor Decisions:
The Courier, published daily (Sunday through Friday) in Russellville, AR
District Ranger Decisions:
Sylamore Ranger District: *Stone County Leader,* published weekly (Tuesday) in Mountain View, AR
Buffalo Ranger District: *Newton County Times,* published weekly (Thursday) in Jasper, AR
Bayou Ranger District: *The Courier,* published daily (Sunday through Friday) in Russellville, AR
Pleasant Hill Ranger District: *Johnson County Graphic,* published weekly (Wednesday) in Clarksville, AR
Boston Mountin Ranger District: *Southwest Times Record,* published daily in Fort Smith, AR
Magazine Ranger District: *Southwest Times Record,* published daily in Fort Smith, AR
St. Francis Ranger District: *The Daily World,* published daily (Sunday through Friday) in Helena, AR

National Forests in Texas, Texas

Forest Supervisor Decisions:
The Lufkin Daily News, published daily in Lufkin, TX
District Rangers Decisions:
Angelina Ranger District: *The Lufkin Daily News,* published daily in Lufkin, TX
San Jacinto Ranger District: *The Courier,* published daily in Conroe, TX
Neches Ranger District: *The Lufkin Daily News,* published daily in Lufkin, TX
Raven Ranger District: *The Courier,* published daily in Conroe, TX
Tenaha Ranger District: *The Lufkin Daily News,* published daily in Lufkin, TX
Trinity Ranger District: *The Lufkin Daily News,* published daily in Lufkin, TX
Yellowpine Ranger District: *The Beaumont Enterprise,* published daily in Beaumont, TX
Caddo-LBJ Ranger District—Caddo-LBJ National Grassland: *Denton Record-Chronicle,* published daily in Denton, TX

Dated: May 25, 1995.

Gloria Manning,

Deputy Regional Forester, Resources.

[FR Doc. 95–13350 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–11–M

Establishment of Ocmulgee Purchase Unit, Georgia

AGENCY: Forest Service, USDA.

ACTION: Notice of Establishment of a Purchase Unit.

SUMMARY: On April 10, 1995, the Deputy Under Secretary, Natural Resources and Environment, created the Ocmulgee Purchase Unit. This purchase unit comprises 10,000 acres, more or less, in Butts and Monroe Counties, Georgia. A copy of the establishment document, which includes the legal description of the lands within this purchase unit, appears at the end of this notice.

EFFECTIVE DATE: The effective date of this purchase unit was April 10, 1995.

ADDRESSES: A copy of the map showing this purchase unit is on file and available for public inspection in the Office of the Director of Lands, Forest Service, Auditor's Building, 201 14th Street, SW., Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: Ralph Bauman, Lands Staff, Forest Service USDA P.O. Box 96090, Washington, DC 20090–6090, (202) 205–1248.

Dated: May 25, 1995.

Janice H. McDougle,

Associate Deputy Chief.

Proposed Boundary Description for the Ocmulgee Purchase Unit, Butts and Monroe Counties, Georgia

Pursuant to the Secretary of Agriculture's authority under Section 17, P.L. 94–588 (90 Stat. 2949) the Ocmulgee Purchase Unit is being established and is described as follows:

All that certain tract of land lying on the waters of the Ocmulgee River and being approximately 10,000 acres in Butts and Monroe Counties, Georgia, bounded on the north by Georgia Highway #16, east by said Ocmulgee River; on the south by Georgia Highway #83, and on the west by lines described as follows: (Distances recited are approximate)

BEGINNING in Monroe County at the intersection of Georgia Highway #83 with Georgia Highway #87, aka U.S. Highway 23. Thence, along and with Highway 87 in a north-northwesterly direction 3 miles to the intersection of Highway 87 with Sandy Creek.

Thence, along and with the meanders of Sandy Creek, being the Monroe-Butts County line, 1.0 mile in a general southeasterly direction to the intersection of Sandy Creek with Mt. Pleasant Road.

Thence, into Butts County along and with the meanders of Mt. Pleasant Road 1.5 miles in a general northwesterly direction to its intersection with Vicker Road.

Thence, along Vicker Road 1.8 miles in a general northerly direction to its intersection with Lamar's Mill Road.

Thence, along Lamar's Mill Road 3.3 miles in a general north-northwesterly direction to its intersection with Giles Ferry Road.

Thence, along Giles Ferry Road about 100 yards in a southwest direction to its intersection with Dave Bailey Road.

Thence, along Dave Bailey Road 2.1 miles in a general northwesterly direction to Georgia Highway #16.

The proposed boundary for the Ocmulgee Purchase Unit is more particularly delineated on the map which is attached hereto and made a part hereof.

These lands are well suited for watershed protection and meet the requirements of the Act of March 1, 1911, as amended.

Dated: April 10, 1995.

Adela Backiel,

Deputy Under Secretary.

[FR Doc. 95–13343 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–11–M

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting; cancellation.

SUMMARY: On May 12, 1995, at 60 FR 25688, the Forest Service published notice of a National Urban and Community Forestry Advisory Council

meeting scheduled to be held in Carlisle, Illinois, June 8–10, 1995. That meeting has been cancelled. Notices of future meetings of the Advisory Council will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Suzanne M. del Villar, Cooperative Forestry Staff, Forest Service telephone: (970) 928–9264.

Dated: May 25, 1995.

William L. McCleese,

Acting Deputy Chief, NFF.

[FR Doc. 95–13342 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–11–M

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Schaal (IA) Area

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

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designation of D.R. Schaal Agency, Inc. (Schaal), will end December 31, 1995, according to the Act, and GIPSA is asking persons interested in providing official services in the Schaal area to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before June 30, 1995.

ADDRESSES: Applications must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

GIPSA designated Schaal, main office located in Belmond, Iowa, to provide official inspection services under the Act on January 1, 1993.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designation of Schaal ends on December 30, 30, 1995.

The geographic area presently assigned to Schaal, in the State of Iowa, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by the northern Kossuth County line from U.S. Route 169; the northern Winnebago, Worth, and Mitchell County lines;

Bounded on the East by the eastern Mitchell County line; the eastern Floyd County line south to B60; B60 west to T64; T64 south to State Route 188; State Route 188 south to C33;

Bounded on the South by C33 west to T47; T47 north to C23; C23 west to S56; S56 south to C25; C25 west to U.S. Route 65; U.S. Route 65 south to State Route 3; State Route 3 west to S41; S41 south to C55; C55 west to Interstate 35; Interstate 35 southwest to the southern Wright County line; the southern Wright County line west to U.S. Route 69; U.S. Route 69 to C54; C54 west to State Route 17; and

Bounded on the West by State Route 17 north to the southern Kossuth County line; the Kossuth County line west to U.S. Route 169; U.S. Route 169 north to the northern Kossuth County line.

Schaal's assigned geographic area does not include the following grain elevators inside Schaal's area which have been and will continue to be serviced by the following official agencies:

1. Central Iowa Grain Inspection Service, Inc.: Farmers Co-op Elevator Company, Chapin, Franklin County; and Farmers Community Co-op, Inc., Rockwell, Cerro Gordo County.

2. A. V. Tischer and Son, Inc.: West Bend Elevator Co., Algona, Kossuth County; Big Six Elevator, Burt, Kossuth County; Gold-Eagle, Goldfield, Wright County; and Farmers Co-op Elevator, Holmes, Wright County.

Interested persons, including Schaal, are hereby given the opportunity to apply for designation to provide official services in the geographic area specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning January 1, 1996, and ending November 30, 1998. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 23, 1995.

Sidney U. Allen,

Acting Director, Compliance Division.

[FR Doc. 95–13384 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–EN–F

Request for Applications for Designation to Provide Official Services in the Northern Michigan Region

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

ACTION: Notice.

SUMMARY: The United Grain Standards Act, as amended (Act), authorizes the administrator of GIPSA to designate persons to provide official services under the Act. GIPSA is asking persons interested in providing official services in the Northern Michigan region to submit an application for designation.

DATES: Applications must be postmarked on or sent by telecopier (FAX) by June 30, 1995.

ADDRESSES: Applications must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1;

therefore, the Executive Order and Departmental Regulation do not apply to this action.

Michigan Grain Inspection Services, Inc., currently designated to provide official services in Southern Michigan, asked GIPSA about designation to provide official services in the Northern Michigan region.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is qualified and is better able than any other applicant to provide such official services.

The geographic area, in the State of Michigan, that is available for assignment to the applicant selected for designation, pursuant to Section (7)(f)(2) of the Act, is as follows:

The Michigan Counties of: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iron, Kalaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mecosta, Menominee, Midland, Missaukee, Montmorency, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.

Interested persons are hereby given an opportunity to apply for designation to provide official inspection services in the Northern Michigan region, as specified above, under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder.

Designation in the Northern Michigan region pursuant to Section 7(g)(1) of the Act, is for the period beginning December 1, 1995, and ending November 30, 1998, and may be renewed according to criteria and procedures prescribed in section 7(f) of the Act. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in the above-mention geographic area.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 23, 1995.

Sidney U. Allen,

Acting Director, Compliance Division.

[FR Doc. 95–13386 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–EN–F

Opportunity To Comment on the Applicants for the Louisiana and North Carolina Areas

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

ACTION: Notice.

SUMMARY: GIPSA requests comments on the applicants for designation to provide official services in the geographic areas currently assigned to Louisiana Department of Agriculture (Louisiana) and North Carolina Departure of Agriculture (North Carolina).

DATES: Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by June 30, 1995.

ADDRESSES: Comments must be submitted in writing to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36JHART]. ATTMAIL and FTS2000MAIL users may respond to !A36JHART. Telecopier (FAX) users may send comments to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the March 31, 1995, **Federal Register** (60 FR 16602), GIPSA asked persons interested in providing official services in the geographic areas assigned to Louisiana and North Carolina to submit an application for designation. There were three applicants: Louisiana and North Carolina each applied for designation to provide official inspection services in the entire area currently assigned to them; Saybolt-South Texas Inspection Service, Inc., main office located in Galena Park, Texas, applied for the entire Louisiana area.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of these applicants. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 23, 1995.

Sidney U. Allen,

Acting Director, Compliance Division.

[FR Doc. 95–13385 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–EN–F

Designation for the Enid (OK) Area

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

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Enid Grain Inspection Company, Inc. (Enid), to provide official services under the United States Grain Standards Act, as amended (Act).

EFFECTIVE DATES: July 1, 1995.

ADDRESSES: Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Janet M Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the January 3, 1995, **Federal Register** (60 FR 96), GIPSA asked persons interested in providing official services in the geographic area assigned to Enid to submit an application for designation. Applications were due by January 31, 1995. Enid, the only applicant, applied for designation to serve the entire area they are currently assigned.

GIPSA requested comments on the applicant in the March 1, 1995, **Federal Register** (60 FR 11068). Comments were due by March 31, 1995. GIPSA received no comments by the deadline.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act; and according to Section 7(f)(l)(B), determined that Enid is able to provide official services in the geographic area for which they applied. Effective July 1, 1995, and ending June 30, 1998, Enid is

designated to provide official services in the geographic area specified in the January 3, 1995, **Federal Register**.

Interested persons may obtain official services by contacting Enid at 405–233–1121.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 23, 1995.

Sidney U. Allen,

Acting Director, Compliance Division.

[FR Doc. 95–13389 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–EN–F

Opportunity to Comment Concerning Applicants for the South Texas (TX) Region

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

ACTION: Notice.

SUMMARY: GIPSA requests comments concerning applicants for designation to provide official services in South Texas Under a Pilot Program.

DATES: Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by July 15, 1995.

ADDRESSES: Comments must be submitted in writing to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36JHART]. ATTMAIL and FTS2000MAIL users may respond to !A36JHART. Telecopier (FAX) users may send comments to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the March 3, 1995, **Federal Register** (60 FR 11952), GIPSA asked persons interested in providing official services in South Texas under a pilot program allowing more than one official agency to provide service in a single geographic area to submit an application for designation. There were two applicants. Quanta Lab (Quanta), main office located in Selma, Texas, and Saybolt South Texas Inspection Service, Inc. (Saybolt), main office located in Galena Park, Texas. Quanta applied for the Texas Counties of: Atascosa, Bexar, Dimmit, Duval, Frio, Kinnedy, La Salle, Maverick, McMullen, Medina, Uvalde, Val Verda, Webb, and Zavala. Saybolt applied for all counties published in the March 3, 1995, **Federal Register**.

GIPSA is publishing this notice to provide interested persons the opportunity to present comments. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of these applicants. All comments must be submitted to the Compliance Division at the above address. Comments and other available information will be considered in making a final decision. GIPSA will publish notice of the final decision in the **Federal Register**, and GIPSA will send the applicants written notification of the decision.

GIPSA, in the March 3, 1995, **Federal Register** (60 FR 11952), also asked for comments on the need for Official Services in the South Texas Region. Comments were due by March 21, 1995. GIPSA received 10 comments by the deadline. There were 6 from grain firms, 2 from grain grower organizations, 1 from an individual, and 1 from a bank. All but one of the comments indicated that there is no need for an official inspection service in South Texas because of the good unofficial inspection service provided by the Corpus Christi Grain Exchange. The other comment expressed concern about competition and the demand for official inspection services in the pilot area. The comment expressed concern about the size of the pilot area and was of the view that the proposal was unworkable.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 23, 1995.

Sidney U. Allen,

Acting Director, Compliance Division.

[FR Doc. 95–13390 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–EN–F

Opportunity for Designation in the Amarillo (TX) and Wisconsin Areas

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

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations shall end not later than triennially and may be renewed. The designation of Amarillo Grain Exchange, Inc. (Amarillo), and Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin) will end November 30, 1995, according to the Act, and GIPSA is asking persons interested in providing official services in the specified geographic areas to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before June 30, 1995.

ADDRESSES: Applications must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

GIPSA designated Amarillo, main office located in Amarillo, Texas, to provide official inspection services, and Wisconsin, main office located in Madison, Wisconsin, to provide official inspection and Class X and Class Y weighing services under the Act on December 1, 1992.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Amarillo and Wisconsin end on November 30, 1995.

The geographic area presently assigned to Amarillo, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

In Texas:

Bounded on the North by the Texas-Oklahoma State line to the eastern Clay County line;

Bounded on the East by the eastern Clay, Archer, Throckmorton, Shackelford, and Callahan County lines;

Bounded on the South by the southern Callahan, Taylor, Nolan, Mitchell, Howard, Martin, and Andrews County lines; and

Bounded on the West by the western Andrews, Gaines, Yoakum, and Cochran County lines; the northern Cochran County line; the northern Hockley County line east to FM 303; FM 303 north to U.S. Route 84; U.S. Route 84 (including Sudan), southeast to FM 37; FM 37 east to FM 179; FM 179 north to FM 1914; FM 1914 east (not including Hale Center), to FM 400; FM 400 south to FM 37; FM 37 east to the Hale County line; the eastern Hale County line; the northern Crosby and Dickens County lines; the western Cottle and Childress County lines north to U.S. Route 287; U.S. Route 287 northwest to Donley County; the southern Donley and Armstrong County lines west to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River northwest to State Route 217; State Route 217 west to FM 1062; FM 1062 west to U.S. Route 385; U.S. Route 385 north to Oldham County; the southern Oldham County line; the western Oldham, Hartley, and Dallam County lines.

The area also includes El Paso County, Texas, and Beaver, Beckham, Cimarron, Ellis, Harper, Roger Mills, and Texas Counties, Oklahoma.

The geographic area presently assigned to Wisconsin, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is the entire State of Wisconsin, except those export port locations within the State.

Interested persons, including Amarillo and Wisconsin, are hereby given the opportunity to apply for designation to provide official services in the geographic area specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning December 1, 1995, and ending November 30, 1998. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 23, 1995.

Sidney U. Allen,

Acting Director, Compliance Division.

[FR Doc. 95–13391 Filed 5–31–95; 8:45 am]

BILLING CODE 3410–EN–F

Natural Resources Conservation Service

Lower Hamakua Ditch Watershed, Hawaii County, Hawaii

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Rules (40 CFR part 1500); and the Natural Resources Conservation Service Rules (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Lower Hamakua Ditch Watershed, Hawaii County, Hawaii.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Kaneshiro, State Conservationist, Natural Resources Conservation Service, 300 Ala Moana Blvd., Room 4316, Honolulu, Hawaii, 96850, telephone (808) 541–2600.

SUPPLEMENTARY INFORMATION: This federally-assisted project action may cause significant local, regional, or national impacts on the environment, or create controversy over man's use of limited water resources. As a result of these findings, Kenneth M. Kaneshiro, State Conservationist, has determined the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan to provide a dependable water supply for small farms, and on-farm irrigation systems on former sugar cane lands. It will also address the social and cultural conflicts of the use of water in the watershed. Irrigation is the primary project purpose. Alternatives under consideration to research these objectives include: Rehabilitation of the ditch system, use of wells for the agricultural water supply, reorganization of on-farm irrigation systems.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Initial scoping meeting was held in Honokaa, May 16 at 6:00 p.m. to determine the scope of the evaluation of the proposed action. Further information on the proposed project action or additional scoping meetings may be obtained from Kenneth M. Kaneshiro, State Conservationist, at the above address or telephone (808) 541–2600.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: May 18, 1995.

Lawrence T. Yamamoto,

Acting State Conservationist.

[FR Doc. 95–13379 Filed 5–31–95; 8:45 am]

BILLING CODE 3210–16–M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration (ITA).

Title: NATO International Competitive Bidding List Application.

Agency Form Number: ITA–4023P.

OMB Approval Number: 0625–0055.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 60 hours.

Number of Respondents: 60.

Avg Hours Per Response: 1 hour.

Needs and Uses: U.S. firms that want to participate in NATO International Competitive Bidding under the NATO Security Investment Program must be certified as being technically and financially competent. The information provided is used to determine if a company is eligible to bid on NATO funded projects.

Affected Public: Businesses or other for–profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

Agency: International Trade Administration (ITA).

Title: Antidumping and Countervailing Duties - Procedures for

Initiation of Downstream Product Monitoring.

Agency Form Number: None.

OMB Approval Number: 0625–0200.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 15 hours.

Number of Respondents: 1.

Avg Hours Per Response: 15 hours.

Needs and Uses: In 1988, the Tariff Act was amended. Under this provision a domestic producer of an article that is like a component part of a downstream product may petition the Department of Commerce to designate the downstream product for monitoring. If the Department accepts the petition, the U.S. International Trade Commission will monitor the trade in the downstream product. The Department of Commerce considers such reports in determining whether to self–initiate an antidumping or countervailing duty investigation.

Affected Public: Businesses or other for–profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

Agency: International Trade Administration.

Title: Special Access –– Special Regime Export Declaration.

Agency Approval Number: ITA–370P.

OMB Approval Number: 0625–0179.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 10,483 hours.

Number of Respondents: 119,000.

Avg Hours Per Response: Ranges between 3 and 18 minutes for the reporting requirements and 1 minute per exported shipment for recordkeeping.

Needs and Uses: The Special Access and Special Regime Programs have been established to provide increased access to the United States market for textile products assembled abroad from fabric formed and cut in the U.S. The information being collected is used by the Committee for the Implementation of Textile Agreements (CITA) and the U.S. Customs Service in two ways: (1) to determine whether merchandise exported from a participating Caribbean country or Mexico is properly certified as entitled to entry under the Special Access or the Special Regime and (2) to conduct audits to determine whether U.S. fabric was used to produce the final product.

Affected Public: Businesses or other for–profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Economic Indicators.

Agency Form Number: None assigned.

OMB Approval Number: None.

Type of Request: New collection.

Burden: 475.

Number of Respondents: 475.

Avg Hours Per Response: 1 hour.

Needs and Uses: Part of NOAA's statutory mandate under the Coastal Zone Management Act is to undertake technical assistance and management–oriented research. Under this authority, and with consultation with its state partners, NOAA is proposing to establish a database of economic statistics related to coastal and marine resources and areas. The data will be used to increase awareness of the economic importance of our nation's coastal and marine assets.

Affected Public: Not for–profit institutions, federal, state, and local government representatives.

Frequency: One–time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Don Arbuckle, (202) 395–7340.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Resources Awareness.

Agency Form Number: None assigned.

OMB Approval Number: None.

Type of Request: New collection.

Burden: 175 hours.

Number of Respondents: 1,050.

Avg Hours Per Response: 10 minutes.

Needs and Uses: Under he Coastal Zone Management Act, NOAA is responsible for undertaking technical assistance and management–oriented research. Through this survey, NOAA will be seeking to determine whether coastal zone management efforts by the states have contributed to improved awareness of, and concern for, coastal resources and their importance to the national and local economies.

Affected Public: Not for–profit institutions, state, local governments.

Frequency: One–time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Don Arbuckle, (703) 395–7340.

Copies of the above information collection proposals can be obtained by calling or writing Gerald Tache, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, Room 5327, 14th and Constitution avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: May 23, 1995.

Gerald Tache,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–13344 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–CW–F

Foreign-Trade Zones Board

[Docket 26–95]

Foreign-Trade Zone 75—Phoenix, Arizona; Application for Subzone Status, SGS-Thomson Microelectronics, Inc. (Semiconductors), Phoenix, Arizona

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Phoenix, Arizona, grantee of FTZ 75, requesting special-purpose subzone status for the semiconductor manufacturing plant of SGS-Thomson Microelectronics, Inc. (STM), located in Phoenix, Arizona (Phoenix Customs port of entry area). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 25, 1995.

The STM plant (250,000 sq. ft. plus 250,000 sq. ft. planned on 17 acres) is located at 1000 East Bell Road, Phoenix. The facility (300 employees) is used to produce a range of semiconductor devices. While the plant's primary product line currently involves microprocessors, other products that are or could be made at the facility include application-specific processors, memory chips, flash memories, and other power and signal processing devices. Foreign sourced materials (up to 50% of total) involve primarily gold, adhesives, resins, plastic sheets, and plastic packaging materials. Other materials that may also be purchased from abroad include transformers, capacitors, diodes, transistors, integrated circuits, resistors, printed circuits, switches, wire, fasteners, and other electrical and automatic data processing equipment and components. Some 10 to 15 percent of the finished products are exported.

Zone procedures would exempt STM from payments of Customs duties on foreign materials used in production for export. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (mostly duty-free). The duty rates on foreign-sourced items range from duty-free to 20 percent (with most in the 2.1–

7.4% range). The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 31, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 15, 1995).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, Phoenix Plaza, Suite 970, 2901 North Central Avenue, Phoenix, AZ 85012

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: May 25, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–13423 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Intent To Revoke Antidumping Duty Orders and Findings and To Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of June 1995.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order or finding or terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

Antidumping Proceeding

Belgium
Sugar
A–423–077
44 FR 33878
June 13, 1979
Contact: Joe Fargo at (202) 482–5345

France
Sugar
A–427–078
44 FR 33878
June 13, 1979
Contact: Joe Fargo at (202) 482–5345

Germany
Industrial Belts, except Synchronous & V belts
A–428–802
54 FR 25316
June 14, 1989
Contact: Charles Vannatta at (202) 482–0410

Germany
Precipitated Barium Carbonate
A–428–061
46 FR 32884
June 25, 1981
Contact: Kim Moore at (202) 482–0090

Germany
Sugar
A–428–082
44 FR 33878
June 13, 1979
Contact: Joe Fargo at (202) 482–5345

Japan
Nitrile Rubber
A–588–706
53 FR 22553
June 16, 1988
Contact: Sheila Forbes at (202) 482–5253

Sweden
Stainless Steel Plate
A–401–040
38 FR 15079
June 8, 1973
Contact: Michael Heaney at (202) 482–4475

Taiwan
Carbon Steel Plate
A–583–080
44 FR 33877
June 13, 1979
Contact: Michael Heaney at (202) 482–4475

Taiwan
Oil Country Tubular Goods
A–583–505
51 FR 22098
June 18, 1986
Contact: Michael Heaney at (202) 482–4475

If no interested party requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, and no domestic interested party objects to the Department's intent to revoke or terminate pursuant to this notice, we shall conclude that the antidumping duty orders, findings, and suspended investigations are no longer of interest to interested parties and shall proceed with the revocation or termination.

Opportunity To Object

Domestic interested parties, as defined in § 353.2(k)(3), (4), (5), and (6) of the Department's regulations, may object to the Department's intent to revoke these antidumping duty orders and findings or to terminate the suspended investigations by the last day of June 1995. Any submission to the Department must contain the name and case number of the proceeding and a statement that explains how the objecting party qualifies as a domestic interested party under § 353.2(k)(3), (4), (5), and (6) of the Department's regulations.

Seven copies of such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, DC 20230. You must also include the pertinent certification(s) in accordance with § 353.31(g) and § 353.31(i) of the Department's regulations. In addition, the Department requests that a copy of the objection be sent to Michael F. Panfeld in Room 4203. This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: May 19, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–13421 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–201–001]

Initiation of New Shipper Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of New Shipper Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a review of a new shipper under the countervailing duty order on leather wearing apparel from Mexico, which has an April anniversary date. We are initiating that new shipper administrative review in accordance with 19 CFR 355.22(j)(3)(1995).

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Maria MacKay, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

The Department has received a request pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994, (the Act), for a review of a new shipper under the countervailing duty order on leather wearing apparel from Mexico, which has an April anniversary date. The company requesting a new shipper review is Comercial de Artesanias, S.A.

Initiation of Reviews

Pursuant to section 751(a)(2)(B)(ii) of the Act and 19 CFR 355.22(j)(3), we are initiating a review of a new shipper under the countervailing duty order on leather wearing apparel from Mexico. We intend to issue the final results of this review not later than 270 days from the date of publication of this notice.

Countervailing duty proceeding	Period to be reviewed
Mexico:	
Leather Wearing Apparel	
C–201–001	
Comercial de Artesanias, S.A.	11/01/94–04/30/95

Concurrent with publication of this notice, we will instruct the Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise (19 CFR 355.22(j)(4)(1995)).

Interested Parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 355.34(b).

This initiation and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)).

Dated: May 24, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–13422 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–019]

Cyanuric Acid From Japan, Revocation of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of revocation of Antidumping Duty Order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its revocation of the antidumping duty order on cyanuric acid from Japan because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Michael Panfeld, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order if the Secretary concludes that the duty order is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR 353.25(d)(4)(iii)).

On March 31, 1995, the Department published in the **Federal Register** (60 FR 16604) its notice of intent to revoke the antidumping duty order on cyanuric acid from Japan (April 27, 1984). Additionally, as required by 19 CFR 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2(k)(3), (k)(4), (k)(5), or (k)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on cyanuric acid from Japan is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR 353.25(d)(4)(iii).

Scope of the Order

Imports covered by the revocation are shipments of cyanuric acid from Japan. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item number 2933.69.00. The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

This revocation applies to all unliquidated entries of cyanuric acid from Japan entered, or withdrawn from warehouse, for consumption on or after April 1, 1995. Entries made during the period April 1, 1994, through March 31, 1995, will be subject to automatic assessment in accordance with 19 CFR 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 1, 1995, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR 353.25(d).

Dated: May 24, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–13420 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–549–802]

Ball Bearings and Parts Thereof From Thailand; Initiation and Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review, Consideration of Revocation and Intent To Revoke Countervailing Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances countervailing duty administrative review, consideration of revocation and intent to revoke countervailing duty order.

SUMMARY: We preliminarily determine that domestic parties are no longer interested in the countervailing duty order on ball bearings and parts thereof from Thailand. We therefore intend to revoke the order. The revocation will apply to all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1995. We invite interested parties to comment on these preliminary results and intent to revoke the order.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Brian Albright, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1995, the Torrington Company (Torrington), the petitioner, submitted a letter to the Department of Commerce (the Department) stating that it has no further interest in the countervailing duty order on ball bearings and parts thereof from Thailand for entries after December 11, 1994. Accordingly, Torrington requested revocation of the order based on changed circumstances in accordance with 19 C.F.R. 355.25(d)(1994).

This changed circumstances administrative review covers all producers and/or exporters of the subject merchandise and all shipments of this merchandise to the United States entered, or withdrawn from warehouse, for consumption on or after January 1, 1995.

Scope of Review

Imports covered by this review are ball bearings and parts thereof. Such merchandise is described in detail in Appendix A to this notice. The *Harmonized Tariff Schedule* (HTS) item numbers listed on Appendix A are provided for convenience and Customs purposes. The written description remains dispositive.

Preliminary Results of Changed Circumstances Administrative Review and Intent To Revoke Countervailing Duty Order

Pursuant to section 751(d)(1) of the Tariff Act of 1930, as amended (1995) (the Act), and sections 355.22(h) and 355.25(d)(1994) of the Department's regulations, the Department may revoke a countervailing duty order if it concludes that ''changed circumstances'' have arisen such that the order is no longer of interest to interested parties (19 C.F.R. 355.25(d)(1)(i)(1994)). We preliminarily determine that the petitioner's affirmative statement of no further interest in this proceeding, not opposed by statements of interest by other interested parties, constitutes changed circumstances sufficient to warrant revocation of this countervailing duty order. Therefore, we preliminary determine to revoke the countervailing duty order on ball bearings and parts thereof from Thailand.

We are hereby notifying the public of our preliminary determination to revoke this countervailing duty order. If this preliminary determination to revoke this order is made final, the revocation will apply to all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1995.

Therefore, we intend to instruct the U.S. Customs Service to terminate the suspension of liquidation and liquidate all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1995, without regard to countervailing duties. We will instruct the U.S. Customs Service to refund with interest any estimated countervailing duties collected with respect to those entries. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this changed circumstances administrative review.

Interested parties may request a hearing within 10 days of the date of publication of this notice. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with section 355.38(e) of the Department's regulations (1994).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client of employer becomes a party in the proceeding, but in no event later than the date the case briefs, under 19 C.F.R. 355.38(e)(1994), are due. The Department will publish the final results of the changed circumstances administrative review and its decision on revocation of this countervailing duty order, as well as the results of its analysis of issues raised in any case or rebuttal brief, or at a hearing.

This notice of changed circumstances administrative review and intent to revoke is in accordance with section 751(d)(1) and (3) of the Act (19 U.S.C. 1675(d)(1) and (3)(1995)) and 19 C.F.R. 355.22(h) and 355.25(d)(1994).

Dated: May 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

Appendix A

Scope of The Review

The products covered by this review, ball bearings, mounted or unmounted, and parts thereof, constitute the following as outlined below.

Ball Bearings, Mounted or Unmounted, and Parts Thereof

These products include all antifriction bearings which employ balls as the rolling element. Imports of these products are classifiable under the following categories: antifriction balls; ball bearings with integral shafts; ball bearings (including radial ball bearings) and parts thereof; ball bearings type pillow blocks and parts thereof; ball bearing type flange, take-up, cartridge, and hanger units, and parts thereof; and other bearings (except tapered roller bearings) and parts thereof. Wheel hub units which employ balls as the rolling element are subject to this review. Finished but unground or semiground balls are not included in the scope of the review. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

This review covers all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if (1) they have been treated, or (2) heat treatment is not required to be performed on

the part. Thus, the only unfinished parts that are not covered by the review are those parts which will be subject to heat treatment after importation.

[FR Doc. 95–13486 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

Modernization Transition Committee (MTC)

ACTION: Notice of public meeting.

Time and Date: June 14, 1995 from 8 a.m. to 5 p.m.

Place: This meeting will take place at the Radisson Plaza Hotel, 5000 Seminary Road, Alexandria, VA.

Status: The meeting will be open to the public. On June 14, 1995, 10 a.m. to 10:45 a.m. will be set aside for oral comments or questions from the public. Approximately 50 seats will be available on a first-come first-served basis for the public.

Matters To Be Considered: This meeting will cover: An update on the National Research Council study and proposed Consolidation Certifications for WSOs Los Angeles and Galveston.

Contact Person for More Information: Mr. Nicholas Scheller, National Weather Service, Modernization Staff, 1325 East-West Highway, SSMC2, Silver Spring, Maryland 20910. Telephone: (301) 713–0454.

Dated: May 25, 1995.

Nicholas R. Scheller,

Manager, National Implementation Staff.

[FR Doc. 95–13315 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–12–M

[I.D. 052395B]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's Northern Habitat Panel will hold a public meeting.

DATES: The meeting will be held on June 5, 1995, from 1:00 p.m. until 4:00 p.m.

ADDRESSES: The meeting will be held at the office of the Columbia Basin Fish and Wildlife Authority, 2501 SW First Avenue, Suite 100, Portland, OR.

FOR FURTHER INFORMATION CONTACT: John Coon, Fishery Management Coordinator (Salmon), Pacific Fishery Management Council;

2130 SW Fifth Avenue, Suite 224; Portland, OR 97201; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss the composition and meeting frequency of the Northern Habitat Panel, and to receive an update on screening in the Columbia River Basin, as well as approve a letter to the respective state forestry agencies regarding pesticide use in coho streams, and consider any other timely, regional habitat issues the panel decides merit discussion at this time.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Michelle Perry Sailer at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: May 25, 1995.

Richard W. Surdi,

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

[FR Doc. 95–13338 Filed 5–26–95; 1:54 pm]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

May 25, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6703. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 336 and 352 are being increased for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 59 FR 65760, published on December 21, 1994.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Memorandum of Understanding dated January 17, 1994, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1995.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1994, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on May 25, 1995, you are directed to amend the directive dated December 16, 1994 to increase the limits for the following categories, as provided under the terms of the Memorandum of Understanding dated January 17, 1994 between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Sublevels in Group I	
336	166,832 dozen.
352	1,935,579 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–13345 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

May 25, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: June 2, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6705. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being reduced for carryforward used during the previous year.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 62645, published on December 20, 1994). Also see 60 FR 8344, published on February 14, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1995.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 9, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on June 2, 1995, you are directed to amend the directive dated February 9, 1995 to reduce the limits for the following categories, as provided under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
218	10,665,700 square meters.
313	28,158,481 square meters.
315	10,056,171 square meters.
317	32,551,200 square meters.
336/636	691,862 dozen.
340/640	1,627,927 dozen.
363	32,796,479 numbers.
369–S [2]	544,505 kilograms.
647/648	652,273 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

[2] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–13346 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of an Import Limit for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Sri Lanka

May 26, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 336/636/836 is being increased for unused special carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 13410, published on March 13, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 26, 1995.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 7, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the period which began on January 1, 1995 and extends through December 31, 1995.

Effective on June 1, 1995, you are directed to amend the directive dated March 7, 1995 to increase the limit for Categories 336/636/836 to 358,952 dozen [1], as provided under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

[1] The limit has not been adjusted to account for any imports exported after December 31, 1994.

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–13419 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of an Import Restraint Limit for Certain Wool Textile Products Produced or Manufactured in the Ukraine

May 25, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated May 6, 1995, the Governments of the United States and the Ukraine agreed to establish limits for Category 435 for the periods December 1, 1994 through December 31, 1994 and January 1, 1995 through December 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for Category 435 for the twelve-month period beginning on January 1, 1995 and extending through December 31, 1995.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of their provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 25, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding dated May 6, 1995 between the Governments of the United States and Ukraine; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 1, 1995, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products Category 435, produced or manufactured in the Ukraine and exported during the twelve-month period beginning on January 1, 1995 and extending through December 31, 1995, in excess of 85,000 dozen [1].

Imports charged to this category limit for the period December 1, 1994 through December 31, 1994, shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–13347 Filed 5–31–95; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1994.

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title; Applicable Forms; and OMB Control Number: Acquisition Management Systems and Data Requirements Control List (AMSDL); Numerous DoD and Military Departmental Forms; OMB Control Number 0704–0188

Type of Request: Revision

Number of Respondents: 1,516

Responses Per Respondent: 763

Annual Responses: 1/156,708

Average Burden per Response: 110 hours

Annual Burden Hours: 127,237,880

Needs and Uses: The Acquisition Management Systems and Data Requirements Control List (AMSDL) is a list of data requirements used in Department of Defense (DoD) contracts. The information collected hereby, is utilized by DoD to support the design, test, manufacture, operation, and maintenance of procured items. It is required in approximately 15 million DoD contracts, for supplies, services, and hardware and software.

Affected Public: Businesses or other for-profit; Not-for-profit institutions

Frequency: On occasion.

Respondent's Obligation: Mandatory

OMB Desk Officer: Mr. Peter N. Weiss

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 26, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–13392 Filed 5–31–95; 8:45 am]

BILLING CODE 5000–04–P

Office of the Secretary

Defense Base Closure and Realignment Commission Investigative Hearings

AGENCY: Defense Base Closure and Realignment Commission (a Presidentially appointed commission separate from and independent of DoD).

ACTION: Notice of Congressional/Department of Defense Investigative Hearings and Final Deliberative Hearings.

SUMMARY: Pursuant to Public Law 101–510, as amended, the Defense Base Closure and Realignment Commission announces a series of investigative and final deliberative hearings to be held in Washington, DC.

The purpose of the investigative hearings is for the Commission to consider testimony from Members of Congress and from representatives of the Department of Defense and the Military Services regarding military bases and activities being considered for realignment or closure. The specific dates, locations, and general topics follow:

June 12 (Location: Cannon House Office Building, Caucus Room 345)
—Members of Congress testify on behalf of the 1995 base closure and realignment proposals.

June 13 (Location: Hart Senate Office Building, Room 216)
—Members of Congress testify on behalf of the 1995 base closure and realignment proposals.

June 14 (Location: Hart Senate Office Building, Room 216)
—Representatives from the Department of Defense and the Military Services provide testimony regarding the 1995 base closure and realignment proposals.

The purpose of the final deliberative hearings is for the Commission to receive testimony and briefings from the staff and formally vote on base closure and realignment recommendations. The specific dates, locations, and general topics follow:

June 22 (Location: Hart Senate Office Building, Room 216)
—Commission staff provides briefings and testimony prior to Commission final votes.

June 23 (Location: Hart Senate Office Building, Room 216)
—Commission staff provides briefings and testimony prior to Commission final votes.

June 24 (Location: Hart Senate Office Building, Room 216)
—Commission staff provides briefings and testimony prior to Commission final votes.

June 26 (Location: Hart Senate Office Building, Room 216)
—Commission staff provides briefings and testimony prior to Commission final votes.

Each hearing will begin at 8:30 a.m. The buildings and room numbers are noted in parentheses following the dates of the hearing. However, hearing locations, dates, and times are subject to change based upon availability of facilities.

FOR FURTHER INFORMATION CONTACT: Mr. Wade Nelson, Director of Communications, at (703) 696–0504.

SUPPLEMENTARY INFORMATION: Changes to the above schedule will be published in the Federal Register by the Commission. Please call the Commission to confirm dates, times, and locations prior to each event. Individuals needing special assistance should contact the commission in advance of each event to facilitate their requirements.

Dated: May 26, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–13393 Filed 5–31–95; 8:45 am]

BILLING CODE 5000–04–M

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 183. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Island and Possessions of the United States. Bulletin Number 183 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 1 June 1995.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

BILLING CODE 5000–04–M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:				
ADAK 5/	$ 10	$ 34	$ 44	10-01-91
ANAKTUVUK PASS	83	57	140	12-01-90
ANCHORAGE				
05-15--09-30	147	64	211	05-15-95
10-01--05-14	81	57	138	03-01-95
ANIAK	73	36	109	07-01-91
ATQASUK	129	86	215	12-01-90
BARROW	105	83	188	11-01-93
BETHEL	76	67	143	02-01-94
BETTLES	65	45	110	12-01-90
COLD BAY	110	54	164	07-01-93
COLDFOOT	95	59	154	10-01-92
CORDOVA				
05-01--09-30	79	76	155	05-01-95
10-01--04-30	67	73	140	03-01-95
CRAIG	67	35	102	07-01-91
DENALI NATIONAL PARK	113	68	181	05-01-94
DILLINGHAM	85	64	149	11-01-93
DUTCH HARBOR-UNALASKA	113	67	180	05-01-92
EIELSON AFB				
05-15--09-15	106	59	165	05-15-94
09-16--05-14	68	55	123	01-01-94
ELMENDORF AFB				
05-15--09-30	147	64	211	05-15-95
10-01--05-14	81	57	138	03-01-95
EMMONAK	62	61	123	10-01-93
FAIRBANKS				
05-15--09-15	106	59	165	05-15-94
09-16--05-14	68	55	123	01-01-94
FALSE PASS	80	37	117	06-01-91
FT. RICHARDSON				
05-15--09-30	147	64	211	05-15-95
10-01--05-14	81	57	138	03-01-95
FT. WAINWRIGHT				
05-15--09-15	106	59	165	05-15-94
09-16--05-14	68	55	123	01-01-94
HOMER				
05-01--09-30	71	60	131	05-01-94
10-01--04-30	60	58	118	02-01-94

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B)	MAXIMUM PER DIEM RATE = (C)	EFFECTIVE DATE
ALASKA: (CONT'D)				
JUNEAU				
04-30--09-14	$ 88	$ 72	$160	04-30-95
09-15--04-29	77	71	148	03-01-95
KATMAI NATIONAL PARK	89	59	148	12-01-90
KENAI-SOLDOTNA				
04-02--09-30	104	74	178	04-02-94
10-01--04-01	67	71	138	01-01-94
KETCHIKAN				
05-01--09-30	90	69	159	05-01-95
10-01--04-30	73	68	141	03-01-95
KING SALMON 3/	75	59	134	12-01-90
KLAWOCK	75	36	111	07-01-91
KODIAK	79	65	144	03-01-95
KOTZEBUE	133	87	220	05-01-93
KUPARUK OILFIELD	75	52	127	12-01-90
METLAKATLA				
06-01--10-01	95	58	153	06-01-94
10-02--05-31	72	56	128	02-01-94
MURPHY DOME				
05-15--09-15	106	59	165	05-15-94
09-16--05-14	68	55	123	01-01-94
NELSON LAGOON	102	39	141	06-01-91
NOATAK	133	87	220	05-01-93
NOME	71	67	138	10-01-93
NOORVIK	133	87	220	05-01-93
PETERSBURG	77	54	131	03-01-95
POINT HOPE	99	61	160	12-01-90
POINT LAY 6/	106	73	179	12-01-90
PRUDHOE BAY-DEADHORSE	73	60	133	11-01-93
SAND POINT	64	67	131	08-01-94
SEWARD				
05-01--09-30	100	55	155	05-01-95
10-01--04-30	83	53	136	03-01-95
SHUNGNAK	133	87	220	05-01-93
SITKA-MT. EDGECOMBE				
05-15--09-30	93	64	157	05-15-95
10-01--05-14	83	63	146	03-01-95
SKAGWAY				
05-01--09-30	90	69	159	05-01-95
10-01--04-30	73	68	141	03-01-95

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)				
SPRUCE CAPE	$ 79	$ 65	$144	03-01-95
ST. GEORGE	100	39	139	06-01-91
ST. MARY'S	77	59	136	06-01-93
ST. PAUL ISLAND	62	63	125	10-01-93
TANANA	71	67	138	10-01-93
TOK				
05-02--09-30	64	56	120	05-02-95
10-01--05-01	50	52	102	03-01-95
UMIAT	97	63	160	12-01-90
VALDEZ				
05-01--09-14	95	70	165	05-01-95
09-15--04-30	79	69	148	03-01-95
WAINWRIGHT	90	75	165	12-01-90
WALKER LAKE	82	54	136	12-01-90
WRANGELL				
05-01--09-30	90	69	159	05-01-95
10-01--04-30	73	68	141	03-01-95
YAKUTAT	77	58	135	11-01-93
OTHER 3, 4, 6/	65	50	115	06-01-95
AMERICAN SAMOA	73	48	121	11-01-94
GUAM	150	82	232	06-01-95
HAWAII:				
ISLAND OF HAWAII: HILO	73	61	134	06-01-93
ISLAND OF HAWAII: OTHER	111	69	180	01-01-95
ISLAND OF KAUAI	105	70	175	01-01-95
ISLAND OF KURE 1/		13	13	12-01-90
ISLAND OF MAUI	99	76	175	01-01-95
ISLAND OF OAHU	100	67	167	01-01-95
OTHER	79	62	141	06-01-93
JOHNSTON ATOLL 2/	22	22	44	08-01-94
MIDWAY ISLANDS 1/		13	13	12-01-90
NORTHERN MARIANA ISLANDS:				
ROTA	80	90	170	06-01-95
SAIPAN	89	89	178	06-01-95
TINIAN	61	72	133	06-01-95
OTHER	20	13	33	12-01-90

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
PUERTO RICO:				
BAYAMON				
05-01--11-24	$107	$ 75	$182	11-01-94
11-25--04-30	130	77	207	11-25-94
CAROLINA				
05-01--11-24	107	75	182	11-01-94
11-25--04-30	130	77	207	11-25-94
FAJARDO (INCL CEIBA, LUQUILLO AND HUMACAO)				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)				
05-01--11-24	107	75	182	11-01-94
11-25--04-30	130	77	207	11-25-94
MAYAGUEZ	85	65	150	08-01-92
PONCE	96	75	171	09-01-93
ROOSEVELT ROADS				
04-16--12-10	65	52	117	10-01-93
12-11--04-15	110	52	162	12-11-93
SABANA SECA				
05-01--11-24	107	75	182	11-01-94
11-25--04-30	130	77	207	11-25-94
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)				
05-01--11-24	107	75	182	11-01-94
11-25--04-30	130	77	207	11-25-94
OTHER 7/	63	52	115	08-01-92
VIRGIN ISLANDS OF THE U.S.:				
ST. CROIX				
04-15--12-14	119	73	192	08-01-94
12-15--04-14	169	78	247	12-15-94
ST. JOHN				
06-01--12-14	255	78	333	11-01-94
12-15--05-31	370	90	460	12-15-94
ST. THOMAS				
04-17--12-17	141	106	247	08-01-94
12-18--04-16	220	114	334	12-18-94
WAKE ISLAND 2/	30	25	55	10-01-94
ALL OTHER LOCALITIES	20	13	33	12-01-90

Page 4

BILLING CODE 5000–04–C

Footnotes

[1] Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when US Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[5] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

[6] The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be $3.50 plus the following amount:

	Daily rate
DOD Personnel	$13
Non-DOD Personnel	30

[7] (Eff 9–1–94) A per diem rate of $200 (lodging $148; M&IE $52) will be in effect for Las Croabas, Puerto Rico, during the Annual Conference of the National Association of State Boating Law Administrators (NASBLA) being held at the El Conquistador Resort and Country Club. This rate will be in effect from 4–12 September 1994 only for travelers attending the conferernce and only for travelers staying at the El Conquistador Resort.

Dated: May 26, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–13395 Filed 5–31–95; 8:45 am]

BILLING CODE 5000–04–P

Membership of the DIA Performance Review Committee

AGENCY: Defense Intelligence Agency (DoD).

ACTION: Notice of membership of the DIA Performance Review Committee (PRC).

SUMMARY: This notice announces the appointment of the Performance Review Committee (PRC) of the Defense Intelligence Agency. The PRC's jurisdiction includes the entire Defense Intelligence Senior Executive Service (DISES). Publication of PRC membership is required by 10 U.S.C. 1601(a)(4).

The PRC provides fair and impartial review of DISES performance appraisals and makes recommendations to the Director, DIA, regarding performance, performance awards, pay adjustments, retention in DISES, and at the applicable 3-year cycle, DISES recertification.

EFFECTIVE DATE: 1 July 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Michael T. Curriden, Office for Human Resources, Defense Intelligence Agency (DAH–1), 3100 Clarendon Boulevard, Arlington, VA 22201–5322, 703–907–1341.

Primary Members

Mr. Michael F. Munson, Deputy Director (Chairman)
Mr. John T. Berbrich, Chief of Staff
Ms. Joan A. Dempsey, Director, National Military Intelligence Production Center
RADM Thomas A. Wilson, Deputy Director for Intelligence, J2
Mr. John J. Sloan, Director for Policy Support

Alternate Members

Ms. Dolores D. Greene, Director for Administration
MG Patrick M. Hughes, Director for Intelligence, J2
Mr. Lewis A Prombain, Comptroller
Mr. Richard B. Walker, Director, National Military Intelligence Systems Center.

Dated: May 26, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–13394 Filed 5–31–95; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Cedar River Section 205 Flood Control Project at Renton, King County, Washington

AGENCY: Seattle District, U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Seattle District, U.S. Army Corps of Engineers is proposing to prepare an Environmental Impact Statement (EIS) for the Section 205 Flood Control Study on the Cedar River, Renton, King County, Washington. This study was requested by the City of Renton because of significant flooding which has occurred in the area. An EIS is being prepared because of the potential for impacts on notable environmental amenities, particularly, resident and anadromous fish resources.

DATES: The Corps invites and encourages agencies and the public to provide written comments on the proposed EIS throughout the scoping process to ensure that all relevant environmental issues are considered. Persons or organizations wishing to submit scoping comments should do so not later than June 30, 1995.

ADDRESSES: Written comments on the scope of the EIS, questions about the EIS, requests for inclusion on the EIS mailing list and requests for copies of any documents associated with the draft EIS should be directed to: Cedar River 205 EIS, CENPS–EN–PL–ER, U.S. Army Corps of Engineers, P.O. Box 3755, Seattle, Washington 98124–2255, ATTN: Merri Martz.

SUPPLEMENTARY INFORMATION:

Background

The Cedar River drainage basin is located southeast of Seattle, Washington and lies entirely within the boundaries of King County. The upper portion of the Cedar River basin is within the City of Seattle's watershed and closed to public use. The mainstem portion is surrounded by rural farming and residential areas. The lower three miles of river run through the middle of the City of Renton. The Cedar River supports runs of sockeye, chinook and coho salmon and steelhead, and much of Lake Washington's smelt population.

Proposed Action

The Corps and City of Renton propose to modify the lower one and one-quarter miles of the river channel to provide additional flood passage and storage. In 1912, a channel was dredged to connect

the Cedar River with Lake Washington at its present location. Formerly, the Cedar River drained via the Black River into Elliott Bay. The channel has been subject to infrequent dredging by the City of Renton for flood control over the subsequent years. The proposed action will provide a long-term modification to the channel to prevent sedimentation of the channel and provide increased flood conveyance.

Alternatives

The Corps has identified four alternative courses of action for analysis:

(1) No action. Allow the river channel to continue to evolve as it has been with increased sedimentation from upstream sources.

(2) Construct a sediment retention trap and levees along the river banks from the Logan Street bridge to the river mouth.

(3) Construct a sediment retention trap and dredge the existing channel to a uniform slope from Logan Street to the mouth.

(4) Construct a sediment retention trap and widen the channel to 250 feet from Logan Street to the river mouth. Additionally, dredge the channel to create a uniform slope from Logan Street to the mouth.

Alternatives 2, 3, and 4 would need to have modifications made to the South Boeing bridge for increased flood conveyance. Also, alternatives 3 and 4 would need small levees placed at low points along the banks.

Scoping and Public Involvement

Public involvement will be sought during scoping and preparation of the EIS in accordance with NEPA procedures. A public scoping process has been started to clarify issues of major concern, identify any information sources that might be available to analyze and evaluate impacts, and obtain public input on the range and acceptability of alternatives. This Notice of Intent formally commences the scoping process under NEPA. As part of the scoping process, all affected Federal, State and local agencies, Indian Tribes, and other interested private organizations, including environmental groups, are invited to comment on the scope of the EIS. Comments are requested concerning project alternatives, mitigation measures, probable significant environmental impacts, and permits or other approvals that may be required.

The following key areas have been identified to be analyzed in depth in the draft EIS:

(1) Flooding Characteristics
(2) Channel Sedimentation Rates
(3) Water Quality
(4) Fisheries
(5) Wildlife
(6) Wetlands
(7) Socioeconomic Resources

Other Environmental Review and Coordination Requirements

All review and coordination requirements will be fulfilled via this NEPA process.

Scoping Meeting

A scoping meeting will be scheduled for mid-June, 1995. Details of the meeting time and location will be announced in local media. Notices will be sent to all agencies, organizations and individuals on the EIS mailing list.

Availability of Draft EIS

The Corps expects to complete the draft EIS by April, 1996.

Dated: May 15, 1995.

Donald T. Wynn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 95–13377 Filed 5–31–95; 8:45 am]

BILLING CODE 3710–ER–M

Notice of Availability

SUMMARY: This announces the notice of availability of the DEIS on the potential impact of the construction and operation of the proposed chemical agent demilitarization facility at Pine Bluff Arsenal, Arkansas. The proposed facility will be used to demilitarize all stockpiled chemical agents and munitions currently stored at Pine Bluff Arsenal. The DEIS examines the potential impacts of on-site incineration, alternative sites within Pine Bluff Arsenal and the ''no action'' alternative. The ''no action'' alternative is considered to be a deferral of the demilitarization with continued storage of agents and munitions at Pine Bluff Arsenal.

In its Record of Decision on February 26, 1988 (53 FR 5816, February 26, 1988) for the Final Programmatic Environmental Impact Statement on the Chemical Stockpile Disposal Program (CSDP), the Department of the Army selected on-site disposal by incineration at all eight chemical munition storage sites within the continental United States as the method by which it will destroy its lethal chemical stockpile. On March 29, 1989, the Department of the Army published a Notice of Intent in the **Federal Register** which provided notice that, pursuant to the National Environmental Policy Act and implementing regulations, it would prepare a draft site-specific EIS for the Pine Bluff chemical munitions disposal facility. The Department of the Army prepared a DEIS to assess the site-specific health and environmental impacts of on-site incineration of chemical agents and munitions stored at the Pine Bluff Arsenal. Comments on the DEIS will be included in the FEIS and considered by the Army in its Record of Decision. The Army will meet with the public during the comment period to discuss the DEIS. Details of the meeting will be announced at a future date. The DEIS for Pine Bluff Arsenal is now available and comments may be delivered to the address below:

ADDRESSES: Director, U.S. Army Chemical Demilitarization and Remediation Activity, ATTN: AMSCB–RAE–E, Aberdeen Proving Ground, Maryland 21010–5401.

FOR FURTHER INFORMATION CONTACT: Above address, or Ms. Catherine Stalcup at (410) 671–3629/2583.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environmental, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 95–13358 Filed 5–31–95; 8:45 am]

BILLING CODE 3710–08–M

MTMC's Re-engineering Personal Property Program Bulletin Board

AGENCY: Military Traffic Management Command (MTMC), DOD.

ACTION: Notice.

SUMMARY: Notice is given that effective April 28, 1995, MTMC will begin publishing a weekly update providing information and progress reports regarding the Department of Defense Personal Property Program on its EasyLink Bulletin Board.

DATES: This action is effectively immediately.

ADDRESSES: Mail comments to Headquarters, Military Traffic Management Command, ATTN: MTOP–QE, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Joe DeLucia, MTOP–QE, (703) 756–1292.

SUPPLEMENTARY INFORMATION: MTMC is currently working an initiative to re-engineer the DOD Personal Property Program. one concept under consideration is competitively acquiring personal property services through the use of long-term, full service contracts under the Federal Acquisition Regulation. MTMC wishes to keep all interested parties informed as to the progress and scope of this effort by publishing a weekly update in its EASYLINK bulletin board. Types of

information addressed will include summaries of interested parties' concerns, suggestions, and positions as well as the DOD position when applicable. It will also include contemplated service requirements for inclusion in a solicitation, notifications and status reports, and other relevant information.

To subscribe to AT&T EasyLink services, carriers may contact AT&T EasyLink representative Lynn Phelps at 1–800–346–1557. Procedures to access the bulletin board system are as follows:

MTMC BBS Access

To access the MTMC BBS, a communication software is required. The software could be EasyLink's Office Access, Procomm Plus, or some other type of off the shelf communication software. Also required is an account on the EasyLink network.

Office Access Software

- At the Main Menu type *C* for the On-line Communication Menu
- At the On-line Communication Menu type *F* for FYI. The software will dial the network and exit into FYI.
- The network will ask for CATEGORY NAME, type *MTMC*. This will place you in the MTMC BBS.
- To maneuver within the BBS to ADCSOPS for Quality.

a. From the main menu TYPE *2* for the ADSCOPS for Quality.

b. TYPE *1* for the Re-Engineered Personal Property Program.

c. TYPE *1* for Contacts.

d. TYPE *2* for Information.

As information scrolls across the screen, the information is automatically downloaded to the hard drive on your computer.

- Press *END* key to disconnect from EasyLink.
- Press *ESC* key and return to the Main Menu.
- Type *I* to access the Inbound Journal.
- High light the message and Press *ENTER* to view the BBS categories that were scanned.

Procomm Plus Software

- At the Dialing Directory press *R* to Revise Entry. Type in the entry name.
- The remaining setup entries are as follows:
- Number=*1–800–325–4112* or *1–800–445–7523*.
- BAUD=*2400*.
- PARITY=*Even*.
- DATA BITS=*7*.
- STOP BITS=*1*.
- DUPLEX=*HALF*.
- SCRIPT=*BLANK*.
- PROTOCOL=*ASCII*.
- TERMINAL=*ANSI*.
- Press *ENTER* to dial the network.
- At the EASYLINK ID prompt type your *USERID AND PASSWORD*.
- At the PTS prompt type *EXIT*. This will exit the EasyLink network and provide an EasyLink Service Menu.
- Press *2* to select FYI.
- Hold down the *ALT* key and press *F1* and type a log name. This will open the log and allow the capture of the BBS data as it is scanned.
- The network will ask for CATEGORY NAME, type *MTMC*. This will place you in the MTMC BBS.
- To maneuver within the BBS to ADCSOPS for Quality.

a. From the main menu TYPE *2* for the ADCSOPS for Quality.

b. TYPE *1* for the Re-Engineered Personal Property Program.

c. TYPE *1* for Contacts.

d. TYPE *2* for information.

- The software will automatically capture the categories that are typed. After the category scan is completed, press *ALT* and the *H* keys to logoff.
- Hold down the *ALT* key and press *F1* to close the log.
- Hold down the *ALT* key and press *V*. Type the log name to view it. This will allow the captured BBS data to be viewed.

Greogry D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–13289 Filed 5–31–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Record of Decision for the Lease of Fleet and Industrial Supply Center Property to the Port of Oakland for Development of Intermodal Rail Facilities and Maritime Cargo-Related Tenant Uses at Oakland, CA

Pursuant to section 102(2) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations on Implementing NEPA Procedures (40 CFR 1500–1508), the Department of the Navy announces its decision to implement the preferred alternative presented in the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) for the Lease of Fleet and Industrial Supply Center property to the Port of Oakland for development of intermodal rail facilities and maritime-related tenant uses at Oakland, California. This decision fulfills Navy responsibility in compliance with NEPA process. The Port of Oakland will make its decision in compliance with the California Environmental Quality Act (CEQA).

In response to 10 U.S.C. 2667 and Public Law 102–484 (Section 2834(b)) of the Fiscal Year 1993 Defense Authorization Act, as amended, the Navy is authorized to lease to the Port of Oakland, real property, together with improvements thereon, at the Fleet and Industrial Supply Center, Oakland (FISCO), Alameda County, California.

The action is granting of a lease of up to 220 acres of the FISC Oakland property to the Port of Oakland for expansion of their existing intermodal rail facilities and maritime-related tenant activities. In addition, the proposed development includes another 87 acres of the Port of Oakland's and Union Pacific Railroad's properties directly south of the Supply Center. The Port of Oakland proposes to establish maritime and transportation activities and to redevelop the site for port operations in support of the Oakland Harbor Area.

The 307 total acres have been divided into six areas for planning purposes. Development of Area A (83 acres of the Center) would include demolition of most of the existing facilities and construction of new intermodal railtracks and associated appurtenances, such as straddle carrier runways and container staging support areas. Development of Area B (40 acres of the Center) would include demolition of existing facilities and construction of new container transfer and storage areas and a transloading facility. The transloading facility would be a narrow, dock-high platform with rail tracks on one side and truck spaces on the other side. Development of Area C (67 acres of the Center) would include demolition of some existing facilities, construction of an entrance for the intermodal rail facility (including a gatehouse and maintenance and repair building) and maintenance of existing warehouses for continued warehousing and/or distribution uses. Development of Areas D and E (87 acres of Port and Union Pacific Railroad properties) would include demolition of existing facilities and construction of a new terminal expansion area to be used for development of Area F (20 to 30 acres of the Center) may be included in the lease, depending on the results of discussions between the Port of Oakland and the Center. If the agreement is reached, the additional area would be used for warehousing and/or distribution.

The alternatives, including the preferred alternative, may be categorized as four development alternatives and the ''no action'' alternative. The development alternatives vary from extensive

intermodal rail facilities to increased maritime related/industrial tenant activities. The lease and development alternatives would introduce major changes in scale and character of the Historic District at FISCO. In compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470(f)), the Navy has consulted the State Historic Preservation Officer, and a Memorandum of Agreement has been reached regarding mitigation for adverse effects. The action will result in net air pollution emissions that will be below established threshold levels. A record of non-applicability for the proposed action has been prepared pursuant to 40 CFR Parts 51 and 93 and no Clean Air Act Conformity determination is necessary. There will not be any disproportionately high and adverse human health or environmental effects from the action on minority and low-income populations.

A Draft EIR/EIS was prepared by the Port and the Navy, and distributed to agencies and officials of federal, state and local governments, citizen groups and associates, public libraries, and other interested parties for review and comment. A public hearing to inform the public of the DEIR/EIS findings and to solicit comments was held on September 19, 1994. Public comments concentrated on existing adverse commercial truck traffic conditions in the West Oakland neighborhood. The Port of Oakland has been working with community-based organizations to arrive at appropriate and reasonable measures to ease these existing conditions. Copies of all comments received were included in the Final EIR/EIS. Six sets of written comments were received in response to the FEIR/EIS during the 30-day public review period. Two sets of these comments focused on technical questions pertaining to FISCO biological resources, and the asbestos survey at the site. The organizations making these comments will be directed to the appropriate sections of the FEIR/EIS that addressed their concerns. The principal emphasis of the remaining four sets of comments was regarding the action and its relationship to the Port's broader long-term expansion plan, including associated impacts—especially from increased commercial truck traffic. As part of the Port's ''Vision 2000'' long-term conceptual plan, the Port is investigating the feasibility of leasing an additional 200 acres of FISCO property for future expansion and development of maritime and rail facilities beyond the action. The Port will prepare a separate or supplemental NEPA/CEQA document that will suitably evaluate the environmental impacts of such future expansion plan, as components of the plan become reasonably foreseeable.

Questions regarding the Draft and Final Environmental Impact Report/Environmental Impact Statement prepared for this action may be directed to: (1) Mr. Raymond Chiang, Environmental Planning Branch, Engineering Field Activity West, Naval Facilities Engineering Command, P.O. Box 727, San Bruno, California 94066, FAX (415) 244–3737 for questions pertaining to the Navy action; and (2) Mr. Charles Schwarz, Environmental Department, Port of Oakland, 530 Water Street, Oakland, California 94607, FAX (510) 465–3755 for questions pertaining to the Port of Oakland action.

Dated: May 25, 1995

Robert B. Pirie, Jr.,

Assistant Secretary of the Navy (Installation and Environment).

[FR Doc. 95–13429 Filed 5–31–95; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before July 3, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chonok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 9 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: May 25, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Application for Designation as an Eligible Institution.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting Burden: Responses: 1; Burden Hours: 9,600.

Recordkeeping Burden: Recordkeepers: 0; Burden Hours; 0.

Abstract: Institutions of Higher Education submit this form in order to be designated as eligible to compete for grants under the Higher Education Action of 1965, as amended, Title III, Parts A and C. The Department will use the information to make grant awards.

[FR Doc. 95–13406 Filed 5–31–95; 8:45 am]

BILLING CODE 4000–01–M

Indian Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of hearing.

SUMMARY: The National Advisory Council on Indian Education invites the

public to attend a one-day hearing conducted by the Council. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: Monday, June 7, 1995 from 9:00 p.m. to 5:00 p.m.

ADDRESSES: The hearing will be held at the Ramada Classic, 6815 Menual Blvd. N.E., Albuquerque, New Mexico 87110. Telephone: (505) 881–0000.

FOR FURTHER INFORMATION CONTACT: John W. Cheek, Acting Director, National Advisory Council on Indian Education, 600 Independence Avenue S.W., The Portals Building, Suite 6211, Washington, DC 20202–7556. Telephone: 202/205–8353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (Part C, Title V, Pub. L. 100–297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

In conjunction with the National Johnson O'Malley Conference scheduled for June 4–8 in Albuquerque, New Mexico, the National Advisory Council on Indian Education is scheduling a one-day hearing for Wednesday, June 7, 1995. The conference and hearing are scheduled to be held at the Ramada Classic Hotel in Albuquerque. NACIE welcomes written and/or oral testimony from the general public, especially Indian community parents relative to concerns about personal involvement in their children's education. NACIE is also interested in parental concerns regarding tribal language programs in schools and parental participation in common or core curriculum subjects. The Council encourages parents' ideas/comments on what is working and what is not in their child's educational setting. In order to facilitate additional comments, the Council will be soliciting hearing data from individuals for two additional weeks beyond the June 7 meeting day. Written testimony may be sent to: NACIE, 600 Independence Ave. S.W., The Portals, Suite 6211, Washington, DC 20202–7556. Findings from the hearing will provide the basis for future consideration in annual reports to Congress and on-going Council business. Testimony may also be faxed to the NACIE office at (202) 205–9446 any time from the date of publication of this document to June 23, 1995.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Indian Education located at 1250 Maryland Avenue S.W., The Portals Building, Suite 6211, Washington, DC 20202–7556 from the hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.

Dated: May 22, 1995.

John W. Cheek,

Acting Director, National Advisory Council on Indian Education.

[FR Doc. 95–13296 Filed 5–31–95; 8:45 am]

BILLING CODE 4000–01–M

[CFDA Number: 84.267]

State Postsecondary Review Program; Notice Extending the Period During Which a State Postsecondary Review Entity (SPRE) may be Reimbursed for Allowable Costs Under the State Postsecondary Review Program (SPRP)

EXTENSION OF FUNDING PERIOD FOR SPRE ACTIVITY: On July 12, 1994, the ''Notice of closing date for receipt of State applications for fiscal year 1994'' was published in the **Federal Register**. That notice established June 30, 1995 as the date by which the Secretary will no longer reimburse a State for direct and indirect costs under an approved plan and budget. The purpose of this notice is to extend the period during which a State Postsecondary Review Entity may be reimbursed for allowable costs under the State Postsecondary Review Program from June 30, 1995 to September 30, 1995. This action is taken so that States may continue to be reimbursed by the Secretary for current fiscal year costs incurred in carrying out allowable activities under the SPRP in consideration of a possible reduction in program funding for fiscal year 1995.

FOR FURTHER INFORMATION CONTACT: Rachael A. Shultz, State Liaison Branch, Office of Postsecondary Education, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3915, ROB–3, Washington, D.C. 20202–5244. Telephone: (202) 708–7417. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 1099a–1099a–3.

Dated: May 26, 1995.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 95–13408 Filed 5–31–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on October 21, 1992, an arbitration panel rendered a decision in the matter of *District of Columbia Department of Human Services v. General Services Administration (Docket No. R–S/91–9).* This panel was convened by the Secretary of Education pursuant to 20 U.S.C. 107d–1(b). The Randolph-Sheppard Act (the Act) provides a priority for blind vendors to operate vending facilities on Federal property. Under this section of the Act, the State licensing agency (SLA) may file a complaint with the Secretary if the SLA determines that an agency managing or controlling Federal property fails to comply with the Act or regulations implementing the Act. The Secretary then is required to convene an arbitration panel to resolve the dispute.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, SW., Room 3230, Mary E. Switzer Building, Washington, DC 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d–2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal and other property.

Background

On August 29, 1986, the District of Columbia Rehabilitation Services Administration (DCRSA), the SLA, and the General Services Administration (GSA) entered into an interim agreement by which a permit was granted to DCRSA by GSA to operate a cafeteria in the GSA Regional Office Building (ROB) at 7th and D Streets, SW., Washington, DC. The cafeteria opened for business

on September 2, 1986, and was assigned a blind vendor.

In mid-March 1989, GSA verbally notified the chief of DCRSA's Randolph-Sheppard Vending Facility program that, at an unspecified time in the future, GSA would be making structural repairs to the ROB cafeteria. Subsequently, in a letter dated August 1, 1990, GSA notified DCRSA that the repairs would begin on September 1, 1990, and that the cafeteria would be closed for approximately four months. The letter further indicated that during the renovations the fourth floor snack bar in the building would be used as a temporary facility for the blind vendor. GSA also alerted DCRSA that the new renovated cafeteria would have an upgraded menu, design changes, and increased service levels.

By letter dated August 14, 1990, DCRSA made various requests concerning the renovation and the new cafeteria. Specifically, DCRSA requested a walk-through of the temporary site, a proposed menu, an opportunity to review the design for the new cafeteria, a market-based survey, and a subsidy from GSA to offset the hardship of the vendor's employees during the renovation.

Responding by letter of August 23, 1990, GSA informed DCRSA that it would arrange for a walk-through of the temporary site and would waive payment from DCRSA of the one and one-half percent franchise fee during the renovation period. GSA also offered to meet with DCRSA to discuss any of DCRSA's concerns. The renovation project was delayed as the result of design errors and the discovery of asbestos.

On January 29, 1991, GSA met with DCRSA representatives to discuss the renovation completion and the operation of the new cafeteria. At that time, GSA formally requested by letter dated January 29 that DCRSA submit an operating plan for the new cafeteria. GSA's request for the plan contained 13 specific items of information.

DCRSA submitted its proposal on March 8, 1991. By letter dated March 28, 1991, GSA rejected DCRSA's proposal as being deficient in each of the 13 areas listed in its earlier request. GSA offered to meet with DCRSA to discuss the proposal. However, DCRSA declined this offer and, instead, asked for and received a written critique. On April 10, 1991, DCRSA submitted a revised proposal. By letter dated April 19, 1991, GSA again rejected DCRSA's proposal, and again DCRSA declined GSA's offer to meet to discuss the proposal.

Subsequently, by letter dated April 26, 1991, GSA informed DCRSA that it had chosen another contractor to operate the cafeteria and that DCRSA would have to close its operation by May 3, 1991.

On May 3, 1991, the DCRSA's blind vendor filed a complaint with the United States District Court for the District of Columbia against officials of GSA seeking a temporary restraining order, a preliminary injunction, compensatory damages, and attorney's fees.

The court issued a temporary restraining order effective through May 9, 1991, prohibiting GSA from terminating DCRSA's permit. GSA agreed not to terminate the permit until after the preliminary injunction hearing.

On May 14th, DCRSA filed a complaint for arbitration with the Secretary of Education. The preliminary injunction hearing was held on May 28, at which time GSA agreed to terminate its contract with the other vendor and conduct a full and open competition pursuant to 34 CFR 395.33(b). The court denied the preliminary injunction without prejudice on May 28 and ordered the parties to pursue arbitration under the Randolph-Sheppard Act, as amended.

The vendor continued to operate the fourth floor snack bar, while GSA advertised for bids to operate the fifth floor cafeteria. On June 7, 1991, GSA issued a Request for Proposal (RFP) for the operation of the cafeteria. GSA held a pre-bid proposal conference for offerers on June 13. The solicitation closed on July 8, 1991. DCRSA responded to the RFP. The maximum number of points to be earned was 1,000 for rating each applicant's proposal. The competitive range was set at 900 points or better. DCRSA received a point value of 691, which did not fall within the competitive range.

On October 1, 1991, GSA awarded the cafeteria contract to another contractor, effective October 15. On October 2, GSA requested that DCRSA close the fourth floor snack bar and vacate the fifth floor kitchen by October 11, 1991. Shortly thereafter, DCRSA and the vendor filed with the United States District Court for the District of Columbia a motion for a preliminary injunction, which was denied on October 21, 1991. On October 24, 1991, the denial of emergency relief was upheld by the United States Court of Appeals for the District of Columbia. Consequently, DCRSA vacated the fourth and fifth floor facilities on October 25, and the other contractor opened the renovated cafeteria on October 28, 1991.

An arbitration hearing was held on March 17 and 18, 1992, pursuant to section 107d–2.

Arbitration Panel Decision

The arbitration panel in a majority opinion found that GSA fully complied with the Act in its negotiations with DCRSA regarding the renovations of the cafeteria. The panel further found that, after issuing an RFP on June 7, 1991, GSA fully complied with the Act in the manner in which it conducted its solicitation of bids for the cafeteria. However, the panel ruled that GSA exceeded its authority by awarding the contract to GSI, a private contractor, prior to the RFP seeking open bids, thereby resulting in DCRSA's motion in United States District Court to compel GSA to comply with 34 CFR 395.33(b) by publishing an RFP.

In determining a remedy, the panel instructed GSA to pay DCRSA's and the vendor's reasonable attorneys' fees, which they expended in seeking relief in court. The parties were instructed to agree upon the amount of the attorneys' fees within 30 days of the award, with the actual reimbursement to take place within 90 days of the panel's award.

All other relief sought by the vendor was denied. The panel retained jurisdiction over the case for 120 days following the panel's award in order to resolve any remaining disputes over the amount of attorneys' fees to be paid.

One panel member dissented.

On May 6, 1994, the panel made its final award of attorneys' fees to DCRSA in the amount of $967.89 and to the vendor in the amount of $14,800.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the United States Department of Education.

Dated: May 26, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–13407 Filed 5–31–95; 8:45 am]

BILLING CODE 4000–01–P

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on June 16, 1993, an arbitration panel rendered a decision in the matter of *Joseph A. Roan and Kenneth White v. Massachusetts Commission for the Blind, (Docket No. R–S/92–12).* This panel was convened by the Secretary of

the U. S. Department of Education pursuant to 20 U.S.C. 107d–1(a), upon receipt of a complaint filed by Joseph A. Roan and Kenneth White on July 2, 1992. The Randolph-Sheppard Act (the Act) creates a priority for blind individuals to operate vending facilities on Federal property. Under this section of the Act, a blind licensee dissatisfied with the State's operation or administration of the vending facility program authorized under the Act may request a full evidentiary hearing from the State licensing agency (SLA). If the licensee is dissatisfied with the State agency's decision, the licensee may file a complaint with the Secretary of the U.S. Department of Education who then is required to convene an arbitration panel to resolve the dispute.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, SW., Room 3230 Switzer Building, Washington, DC 20202–2738. Telephone: (202) 205–93l7. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d–2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal property.

Background

The complainants, Joseph A. Roan and Kenneth White, are licensed blind vendors in the vending program operated by the Massachusetts Commission for the Blind, the SLA. Mr. Roan was the manager of a facility located in the lobby of the John F. Kennedy Federal Building (JFK Federal Building). Mr. White was the manager of a facility located on the sixth floor of the same building.

In the Fall of l991, the JFK Federal Building was scheduled for extensive renovation, which involved the closing, in phases, of the five vending facilities at this site, including the ones operated by Messrs. Roan and White. Due to the renovation of the building, the General Services Administration (GSA) entered into an agreement with the SLA to lease space at One Congress Street. The SLA planned to use this space as a vending facility and characterized this location as a ''temporary stand'' to accommodate a vendor who was displaced during the renovation of the JFK Federal Building.

The complainants alleged that the SLA inappropriately characterized this facility as a ''temporary location'' to accommodate vendors displaced during the renovation of the JFK Federal Building. The complainants further alleged that the SLA failed to advertise for bid to all vendors the stand located at One Congress Street, but rather moved a displaced vendor into this location in violation of 20 U.S.C. 107a(b) and 34 CFR 395.7(c) relating to the transfer and promotion of vendors by the SLA.

On April 22, 1992 both Mr. Roan and Mr. White received a notice that the vendor of the IRS lobby facility at the JFK Federal Building was retiring and that this location was going out for bid. Mr. Roan and Mr. White jointly wrote a letter to the SLA requesting that the IRS lobby stand not be put up for bid, but rather that complainants be placed there to operate this facility while their respective stands were closed due to the scheduled renovation of the JFK Federal Building. Complainants' request was denied by the SLA. Subsequently, Mr. Roan and Mr. White requested and received an administrative review and a fair hearing by the SLA. In an opinion dated May 26, 1992, the Hearing Officer ruled that the SLA properly negotiated for the establishment of the Congress Street stand as a temporary accommodation to otherwise displaced JFK Federal Building vendors. With regard to complainants' objections that the IRS lobby stand was put up for bidding, the Hearing Officer ruled that this location was established as a permanent facility, which made it open to bidding by all vendors in the Massachusetts Vending Facility Program. Mr. Roan and Mr. White filed a complaint with the U.S. Department of Education requesting arbitration regarding the establishment of the temporary stand at One Congress Street and the open bidding on the IRS lobby stand. A hearing was conducted on April 13, 1993.

Arbitration Panel Decision

The arbitration panel ruled that there is no dispute that there is no express authority in the regulations for the creation of temporary stands. There is also nothing in the regulations to preclude this administrative action. The use of this device represents a reasonable effort by the SLA to further the program objectives of providing employment for blind vendors.

To lessen the effects of building renovations on vending facilities in the program, the SLA goes to great lengths to find a temporary site within the same workplace for the displaced vendor until his or her permanent location is back in operation.

The SLA has followed this practice in the past, and it is recognized by vending facility managers that the temporary sites are different in their essential nature from permanent vending facility sites, and, therefore, these locations are not subject to the posting and bidding procedures. In fact, the panel noted that there was not a challenge to this procedure when One Congress Street was used as a temporary stand during Phase One of the renovation at the JFK Federal Building. When Phase Two occurred and two vendors were to be displaced, the SLA used the same standard operating procedure in assigning the temporary location. Based on seniority, One Congress Street was assigned to another displaced vendor rather than Mr. White. Subsequently, Mr. White filed for an arbitration hearing. He was joined in his request by Joseph Roan, who was facing displacement during the third phase of the renovation.

The panel ruled that, even assuming that the SLA should have posted the One Congress Street location, there was no indication that Mr. White, as the junior vendor, would have benefited in any way from such a procedure.

Regarding the IRS lobby stand, the panel noted that this was not a temporary location, but rather a permanent and highly desirable vending facility. Therefore, under the clear regulations of the SLA, permanent vending facilities must be opened for bid. Further, the panel reasoned that there is nothing in the statute, regulations, or legislative history that suggests that an SLA has the authority to use a permanent vending facility as a temporary accommodation site to save a particular vendor from dislocation. The Randolph-Sheppard Act gives preference to blind vendors for licensing. It does not create a preference among blind vendors as to who will work at which vending facility.

The panel found that complainants' argument that the SLA was establishing a policy of promotion over employment was unpersuasive. The panel determined that the program embodies a system of promotion by bidding. At no time has there been a guarantee that all licensed vendors would have a vending location before any vendor could move to a more desirable location.

The panel ruled that complainants Roan and White have benefited from the bidding system, winning more profitable stands on multiple occasions despite the fact that other vendors have been without a place of employment. The panel reasoned that simply because Mr. Roan and Mr. White perceived a method of preserving their level of

business during the JFK Federal Building renovations did not mean that the SLA's longstanding system of dealing with displaced vendors should be changed.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: May 25, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–13354 Filed 5–31–95; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Conduct of Employees

Notice of Waiver Pursuant to section 602(c) of the Department of Energy Organization Act (Pub. L. 95–91)

Section 602(a) of the Department of Energy (''DOE'') Organization Act (Pub. L. 95–91, hereinafter referred to as the ''Act'') prohibits a ''supervisory employee'' (defined in section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any ''energy concern'' (defined in section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases where exceptional hardship would result, where the interest is a pension, interest or other similarly vested interest, or where the waiver is in the Department's interest and the asset is placed in a qualified trust that is created in accordance with regulations promulgated by the Office of Government Ethics.

Dr. Alexander MacLachlan is serving as Deputy Under Secretary for Technology Partnerships and Economic Competitiveness. As a result of his past employment with du Pont (E.I.) de Nemours and Company (DuPont), Dr. MacLachlan has a vested pension interest in the DuPont Pension and Retirement Plan within the meaning of section 602(c) of the Act. Dr. MacLachlan also participates in the DuPont Stock Performance Plan and the DuPont Savings and Investment Plan. I have determined that requiring Dr. MacLachlan to terminate his interest in these plans would be an exceptional hardship. He also owns stock in 11 energy concerns: Bethlehem Steel Corp., Burlington Resources Inc., The Coastal Corp., Delmarva Power & Light Co., E. I. du Pont de Nemours and Company, General Electric Co., GTE Corp., Halliburton Co., IMC Fertilizer Group, Inc., USX–US Steel Group, and Weyerhaeuser Co. I have determined that requiring Dr. MacLachlan to sell this stock would be an exceptional hardship. Therefore, I have granted Dr. MacLachlan a waiver of the divestiture requirement of section 602(a) of the Act with respect to the interests described above for the duration of his service as a supervisory employee to the Department.

In accordance with section 208, title 18, United States Code, Dr. MacLachlan has been directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect upon DuPont or any of the other entities listed above, unless his appointing official determines that his financial interest in the particular matter are not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from Dr. MacLachlan.

Dated: May 10, 1995.

Hazel R. O'Leary,

Secretary of Energy.

[FR Doc. 95–13382 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. EA–104]

Application To Export Electricity; Arizona Public Service Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Arizona Public Service Company (APS) has requested authorization to export electric energy to Mexico. APS is a regulated public utility incorporated in the State of Arizona and authorized to do business in the States of Arizona and New Mexico.

DATES: Comments, protests, or requests to intervene must be submitted on or before July 3, 1995.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Warren E. Williams (Program Office) 202–586–9629 or Michael T. Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act.

On May 5, 1995, APS filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for authorization to export electric energy to the Comision Federal de Electricidad (CFE), the Mexican national electric utility, pursuant to section 202(e) of the Federal Power Act. APS proposes to sell CFE electricity which is in excess of what is needed for APS customers. Specifically, APS has proposed the sale of economy energy to CFE through the facilities of San Diego Gas & Electric (SDG&E). As an economy energy sale, service can be interrupted or curtailed by APS, CFE, or SDG&E.

The electricity to be sold to CFE would emanate from the APS electrical grid and would be delivered to SDG&E at either the Palo Verde substation west of Phoenix, Arizona, or the North Gila substation, located east of Yuma, Arizona. SDG&E owns two 230-kilovolt (kV) lines which interconnect with CFE. The first connects SDG&E's Miguel substation located east of San Diego, California, with CFE's Tijuana I substation located near Tijuana, Mexico; the second connects SDG&E's Imperial Valley substation located near El Centro, California, with CFE's La Rosita substation located west of Mexicali, Mexico. The construction and operation of these international transmission lines were previously authorized by Presidential Permit numbers PP–68 and PP–79, respectively.

Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the rules of practice and procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protests also should be filed directly with: Dennis Beals, Arizona Public Service Company, PO Box 53999, Station 9860, Phoenix, Arizona 85072–3999, (602) 250–3101 and Bruce Gardner, Esq., Arizona Public Service Company, PO Box 53999, Station 9820, Phoenix, Arizona 850772–3999, (602) 250–3507.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene under 18 CFR 385.214.

Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or a security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final decision will be made on this application after the DOE determines whether the proposed action would impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities in accordance with section 202(e) of the Federal Power Act.

Before an export authorization may be issued, the environmental impacts of the proposed DOE action (i.e., granting the export authorization, with any conditions and limitations, or denying it) must be evaluated pursuant to the National Environmental Policy Act of 1969.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC, on May 25, 1995.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–13433 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–M

Availability of Information Related to the Dual Axis Radiographic Hydrodynamic Test Facility; Draft Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of availability of information.

SUMMARY: On May 12, 1995, the Environmental Protection Agency (EPA) announced the availability of the Department of Energy's (DOE) Dual Axis Radiographic Hydrodynamic Test (DARHT) Facility draft Environmental Impact Statement (EIS), DOE/EIS–0228D, for public review and comment (60 FR 25717). The alternative actions analyzed in the draft EIS would occur principally at the DOE's Los Alamos National Laboratory (LANL) in northern New Mexico. By this notice, DOE is announcing the availability of additional information related to the draft DARHT EIS that has recently been placed in the Los Alamos National Laboratory Community Reading Room for public review.

ADDRESSES: Information discussed in the supplementary information section is available for public review at the Los Alamos National Laboratory Community Reading Room, 1450 Central Ave., Suite 101, Los Alamos, New Mexico 87544. For information on the availability of specific documents, availability of copies of documents and hours of operation, please contact the reading room at (505) 665–2127 or (800) 543–2342.

FOR FURTHER INFORMATION CONTACT: For general information on the DARHT EIS, or for copies of the draft EIS, interested parties may contact Ms. Diana Webb, DARHT EIS Project Manager, Los Alamos Area Office, Department of Energy, 528 35th Street, Los Alamos, NM 87544. Ms. Webb may be contacted by telephone at (505) 665–6353 or by facsimile at (505) 665–1506.

SUPPLEMENTARY INFORMATION: The draft EIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), the Council on Environmental Quality NEPA regulations (40 CFR parts 1500–1508) and the DOE NEPA regulations (10 CFR Part 1021).

The Department proposes to provide enhanced high-resolution radiography (x-ray) capability for the purpose of performing hydrodynamic tests and dynamic experiments in support of its national defense mission. The enhanced radiography facility would be a key component of the Department's near-term science-based stockpile stewardship and management program. These hydrodynamic tests and dynamic experiments are required to assist DOE in ensuring the continued safety, security, and reliability of existing nuclear weapons as they age.

The draft DARHT EIS analyzes the environmental consequences of alternative ways to accomplish the proposed action. The DOE's preferred alternative would be to complete and operate the DARHT facility at LANL in northern New Mexico. Public hearings are scheduled (Los Alamos, May 31, 1995 and Santa Fe, June 1, 1995) as previously announced in DOE's Notice of Availability dated May 24, 1995 (60 FR 27498). The comment period will extend through Monday, June 26, 1995. DOE expects to complete the final EIS in August 1995, and reach a Record of Decision in September 1995.

Following is a list of documents currently available for public review in the Los Alamos National Laboratory Community Reading Room:

1. Nuclear Weapons Stockpile Stewardship: the Role of Livermore and Los Alamos National Laboratories.
2. Congressional Budget Office Papers, The Bomb's Custodians.
3. An Alternative Budget for Lawrence Livermore National Laboratory and How to Get There—Los Alamos Study Group (LASG).
4. The Conversion of LANL to a Peacetime Mission—Concerned Citizens for Nuclear Safety (CCNS).
5. 1979 LANL Environmental Impact Statement.
6. Transcript from the September 14 SWEIS Public Meeting at the Los Alamos Civic Auditorium.
7. Environmental Impact Statement for Transuranium Solid Waste Development Facility, LASL, 4/73.
8. Implementation Plan Nuclear Weapons Complex Reconfiguration Programmatic Environmental Impact Statement.
9. Pantex Site-Wide EIS Scoping Plan.
10. Scoping Comments/Documents for the Nuclear Weapons Disposition PEIS, Oak Ridge Institute for Science & Education.
11. Fueling A Competitive Economy: US DOE Strategic Plan.
12. National Security Strategic Plan, Working Paper.
13. DOE Albuquerque Operations Office Strategic Plan.
14. September 13, 21, 22, 28, 29, SWEIS Public Meeting Transcripts.
15. Stormwater Pollution Prevention Plan for DARHT 10/25/94.
16. DARHT Hydrotest Project Cultural Resource Survey Report 10/25/94.
17. Hydrotest Firing Site Drawing List 10/25/94.
18. NESHAPS for DARHT Construction Project 10/25/94.
19. DARHT Amendment of Solicitation 10/25/94.
20. DARHT Construction Documents Vol 1–3, 10/25/94.
21. Action Description Memorandum DARHT Facility, TA–15.
22. Results of the Soil Sampling Survey Conducted Over Active RCRA Firing Site TA–15–184 (PHERMEX) 10/28/94.
23. Baseline Soil Uranium and Beryllium Concentrations Around The Proposed DARHT Facility at TA–15 10/28/94.
24. Construction Contract for DARHT.
25. Programmatic Cost Impact Due to Project Delay for EA 11/8/94.
26. Programmatic Cost Impact Due to Project Delay for EIS DARHT 11/8/94.
27. Total Regional Economic Impact Resulting from DARHT Cancellation 11/8/94.

28. DARHT Archaeological Site Protection 11/8/94.
29. Welcome to DARHT Day 11/28/94.
30. NEPA and Related Environmental Documentation History for DARHT.
31. 1979 Site-Wide EIS at LANL, Portions Addressing Dynamic Testing 1/5/94.
32. Soil/Sediment Studies Conducted at the DARHT and PHERMEX Firing Sites 1/5/95.
33. Implementation Plan for the Continued Operation of the Pantex Plant and Associated Storage of Nuclear Weapons Components EIS 1/12/95.
34. Initial Data Request for DARHT EIS 1/17/95.
35. DARHT Public Scoping Meeting Roundtable Discussion and Comments 12/7/95.
36. DARHT Scoping Comment Reference Documents 1/17/95.
37. Background Information on the Nuclear Weapons Stockpile Memorandum 1/31/95.
38. DARHT EIS Implementation Plan 2/14/95.
39. DARHT Feasibility Assessment Independent Consultants (DFAIC) Panel Final Report 9/9/2.
40. Hydrotest Program Assessment 10/92.
41. Report of Independent Consultants Reviewing Integrated Test Stands Performance and Readiness of DARHT Construction Start 8/93.
42. Letter to Jennifer Fowler-Propst—U.S. Fish and Wildlife Service—Att. Biological and Floodplain/Wetland Assessment for DARHT.
43. DOE NEWS—Draft Environmental Impact Statement Available for DARHT Facility at LANL 5/10/95.
44. DOE—Notice of Pre-Scoping Workshop for the Stockpile Stewardship and Management Programmatic Environmental Impact Statement 5/2/95.
45. The Stockpile Stewardship and Management Program—Maintaining Confidence in the Safety and Reliability of the Enduring U.S. Nuclear Weapon Stockpile.
46. Notice of Intent to Prepare a Site-Wide Environmental Impact Statement for the Los Alamos National Laboratory.
47. Statement of Hazel O'Leary, Secretary of Energy, Before the Committee on Armed Services, United States Senate April 4, 1995.
48. **Federal Register** Notices for the LANL DARHT and SWEIS 5/12/95.
49. Newspaper clippings.
50. Aerosolized U and Be from LASL Dynamic Experiments (1977).
51. DARHT Environmental Monitoring 1/30/95.
52. Stockpile Stewardship and Management Programmatic Environmental Impact Statement—Pre-Scoping Workshop (Viewgraphs) 5/19/95.
53. U.S. Department of Energy Environmental Justice Strategy Executive Order 12898—4/95.
54. DOE—Notice of Availability and Public Hearings.
55. Summary of Environmental Impacts from Classified Supplement, DARHT EIS—5/95.
56. DOD Nuclear Posture Review.
57. Letter exchange with LASG—4/95.
58. Letter from LASG—11/94.
59. Letter from LASG—12/94.
60. Letter to President Clinton from J. Stroud (LASG)—2/28/95.
61. Letter responding to J. Stroud (LASG) from V. Reis, Department of Energy—4/19/95.
62. Letter responding to Kathleen Sabo (LASG) from James Dorskind, White House—4/17/95.
63. Letter responding to Greg Mello (LASG) from D. Webb—3/20/95.
64. Letter responding to Greg Mello (LASG) from D. Webb with LLNL attachment—4/17/95.

Signed in Washington, DC, this 26th day of May, 1995, for the United States Department of Energy.

Everet H. Beckner,

Principal Deputy Assistant Secretary for Defense Programs.

[FR Doc. 95–13435 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Golden Field Office; Notice of Federal Assistance Award to United States Export Council for Renewable Energy

AGENCY: Department of Energy.

ACTION: Notice of Financial Assistance Award in Response to an Unsolicited Financial Assistance Application; Export Support to the U.S. Renewable Energy Industry, DE–FG36–95GO10072.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7, is announcing its intention to grant funding to the United States Export Council For Renewable Energy (US/ECRE). DOE is promoting the development and application in foreign countries of renewable energy products and services and supporting domestic firms with the export of their renewable energy products and services. The United States Export Council For Renewable Energy (US/ECRE) is a United States, non-profit association, comprised of six renewable energy member trade associations and two sister organizations, representing the renewable energy industry. US/ECRE's mission is the promotion of domestic renewable energy industry technology and United States companies in the international marketplace. The series of grant proposals by US/ECRE directly relates to that objective and will be a significant step towards promoting renewable energy markets and technology.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: John Motz, Contract Specialist. The telephone number is 303–275–4737. The Contracting Officer for this action is John W. Meeker.

SUPPLEMENTARY INFORMATION: DOE has evaluated, in accordance with the DOE Federal Assistance Regulations, 10 CFR section 600.14 , the unsolicited proposal entitled, ''Export Support to the U.S. Renewable Energy Industry,'' submitted by United States Export Council For Renewable Energy (US/ECRE), be accepted for support without further competition in accordance with section 600.7 of the Federal Assistance Regulations.

One financial assistance agreement, between DOE and US/ECRE, encompassing separate fixed obligation awards is proposed under the deviation to CFR 600.109 permitting fixed obligations awards. The prime objectives of the umbrella agreement with US/ECRE, composed of a series of grants, are: (1) Preparation of outreach activities that will gather and distribute information on project opportunities for U.S. renewable industries as they emerge in the international marketplace, (2) promoting United States renewable energy development initiatives in emerging markets, and (3) developing market potential methodology that will determine environmental and economic impacts under various scenarios. US/ECRE tasks, with the resources of the member trade associations, include: newsletters, conferences, consulting services, exhibits, and training activities related to promoting United States renewable technology and companies.

US/ECRE, a consortium of the six renewable energy member trade associations, has been formed to bring together the member companies within the respective renewable energy industries for the purpose of promoting the use of U.S. technologies and member companies in projects overseas. The United States Export Council for Renewable Energy (US/ECRE) will serve as the lead organization issuing subcontracts to member associations. US/ECRE will coordinate the proposed projects and will rely heavily on the

resources of the member associations to implement the grants which support the renewable energy export development efforts.

US/ECRE will implement the umbrella agreement with DOE, composed of a series of grants, through subcontracts to the member trade associations and non-profit sister organizations who are uniquely qualified to fulfill the objectives of each grant. US/ECRE, through a grant from DOE under this agreement, will provide the management and oversight of each subcontract to facilitate synergy between activities funded through this agreement, as well as those funded through other Government agencies.

The series of grants represent a continued opportunity to promote United States renewable energy and energy efficiency technology and domestic companies in an international marketplace. The promotion of these activities will not only serve to educate, but also serves as a means for United States companies to expand their services in the global marketplace. The participating entities have been found to possess unique capabilities to successfully meet the objectives stated.

The estimated grant is $1,308,000. This notice is published for public comment at least fourteen calendar days prior to making an award.

Issued in Golden, Colorado, on May 18, 1995.

John W. Meeker,

Chief, Procurement, GO.

[FR Doc. 95–13304 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Fernald.

DATES: Saturday, June 10: 8:30 a.m.–12:30 p.m. (public comment session, 10:15 a.m.–10:30 a.m.).

ADDRESS: The Joint Information Center, 6025 Dixie Highway, Route 4, Fairfield, Ohio.

FOR FURTHER INFORMATION CONTACT: John S. Applegate, Chair of the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061, or call the Fernald Citizens Task Force message line (513) 648–6478.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the Fernald site.

Tentative Agenda

Saturday, June 10, 1995

Final Report Development

8:30 a.m. Task Force Administration, (Call to order; Approval of Minutes; Chair's Remarks).
8:50 a.m. Identification and Discussion of Unresolved Issues.
10:00 a.m. Break.
10:15 a.m. Opportunity for Public Input.
10:30 a.m. Resolution of Unresolved Issues.
11:00 a.m. Discussion of Draft Final Report.
12:15 p.m. Wrap Up.
12:30 p.m. Adjourn.

A final agenda will be available at the meeting, Saturday, June 10, 1995.

Public Participation: The meeting is open to the public. Written statements may be filed with the Task Force chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Task Force chair at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official, Kenneth Morgan, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. Due to programmatic issues that had to be resolved, the Federal Register notice is being published less than fifteen days before the date of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to John S. Applegate, Chair, the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061 or by calling the Task Force message line at (513) 648–6478.

Issued at Washington, DC on May 25, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–13319 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site Specific Advisory Board, Kirtland Area Office (Sandia)

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Kirtland Area Office (Sandia).

DATES: Thursday, June 15, 1995: 7 pm–10 p.m. (Mountain Daylight Time).

ADDRESSES: Indian Pueblo Cultural Center, 2401 12th St. NW., Albuquerque, NM.

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy Kirtland Area Office, PO Box 5400, Albuquerque, NM 87185 (505) 845–4094.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

6:45 pm Public Comment Period.
7:00 pm Orientation.
8:00 pm Development of Board Behavioral Groundrules.
9:00 pm Selection of Leadership Team.
9:30 pm Evaluation.
10 pm Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mike Zamorski's office at the address or telephone number listed above.

Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Mike Zamorski, Department of Energy Kirtland Area Office, PO Box 5400, Albuquerque, NM 87185, or by calling (505) 845–4094.

Issued at Washington, DC on May 25, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–13320 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site Specific Advisory Board, Nevada Test Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Nevada Test Site.

DATES: Wednesday, June 7, 1995: 5:30 p.m.–9:30 p.m.

ADDRESS: Community College of Southern Nevada, Cheyenne Campus, Highdesert Conference and Training Center, Room 1422, Las Vegas, NV.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. DOE, Nevada Operations Office, AMEM, P.O. Box 98518, Las Vegas, NV 89193–8518, ph. 702–295–0197, fax 702–295–1810.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The EM SSAB provides input and recommendations to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

Tentative Agenda

Wednesday, May 7, 1995

5:30 p.m. Call to Order; Review Agenda; Minutes Acceptance; Financial Report; Correspondence; Reports from Committees, Delegates and Representatives; Unfinished Business; New Business; Evaluation of Board and Environmental Restoration and Waste Management Programs; Announcements.

10:00 p.m. Adjournment.

If needed, time will be allotted after public comments for old business, new business, items added to the agenda, and administrative details.

A final agenda will be available at the meeting Wednesday, June 7, 1995.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Don Beck's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. Due to programmatic issues that had to be resolved, the **Federal Register** notice is being published less than fifteen days before the date of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays.

Issued at Washington, DC on May 25, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–13321 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Savannah River Site.

DATES AND TIMES: Thursday, June 8, 1995: 8:30 a.m. to 11:15 a.m.; 10:45 a.m. (public comment session).

ADDRESSES: The Board meeting will be held at: Savannah River Site Main Administration, Building 703–41 A, Aiken, S.C.

FOR FURTHER INFORMATION CONTACT: Tom Heenan, Manager, Environmental Restoration and Solid Waste, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802 (803) 725–8074.

SUPPLEMENTARY INFORMATION: This **Federal Register** Notice does not meet the 15-day public notification requirement due to exceptional circumstances. Due to a lack of a quorum at the May 23, 1995, meeting of the Board, a special meeting is required to vote on a recommendation as stated below. The deadline for public comments on this Draft EIS is June 20, 1995 and a request to grant an extension has been declined. The special meeting date was one in which a majority of the Board members agreed upon.

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Agenda:

Thursday, June 8, 1995

8:30 a.m. Nuclear Materials Management Subcommittee Report and discussion of recommendation regarding the Draft Foreign Research Reactor Spent Nuclear Fuel Environmental Impact Statement

10:45 a.m. Public Comment Session (5-minute rule)

11:15 a.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Heenan's office at the address or telephone number listed above. Requests must be received 2 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday except Federal holidays. Minutes will also be available by writing to Tom Heenan, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802, or by calling him at (803)–725–8074.

Issued at Washington, DC, on May 26, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–13434 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–M

Inertial Confinement Fusion Advisory Committee/Defense Programs; Notice of Partially Closed Meeting

Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following meeting:

Name: Inertial Confinement Fusion Advisory Committee/Defense Programs.

Date and time: Agenda is subject to revision.

Tuesday, June 6, 1995, 7:30 a.m.–10:45 a.m.—Open.

Tuesday, June 6, 1995, 10:45 a.m.–12:40 p.m.—Closed.

Tuesday, June 6, 1995, 1:50 p.m.–5:50 p.m.—Closed.

Wednesday, June 7, 1995, 7:30 a.m.–9:20 a.m.—Closed.

Wednesday, June 7, 1995, 9:20 a.m.–3:40 p.m.—Open.

Wednesday, June 7, 1995, 3:40 p.m.–6:40 p.m.—Closed.

Thursday, June 8, 1995, 7:30 a.m.–10:30 a.m.—Closed.

Thursday, June 8, 1995, 10:30 a.m.–12:30 p.m.—Open.

Place: Sandia National Laboratories, Albuquerque, New Mexico; Technical Area IV; Convening In Building 962; Room 1402.

FOR FURTHER INFORMATION CONTACT: Marshall M. Sluyter, Designated Federal Officer Office of Research and Inertial Fusion (DP–11), Defense Programs, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874, Telephone: (301) 903–3345.

Persons wishing to attend the open portions of the meeting must submit their names to Stephanie Torres at the Sandia National Laboratories, (505) 845–3656, on or before June 2, 1995, to obtain a visitor pass and/or escort to the meeting room(s).

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice and guidance to the Assistant Secretary for Defense Programs on both technical and management aspects of the Inertial Confinement Fusion program.

Purpose of the Meeting: To assess the technical applicability and readiness of the Inertial Confinement Fusion program to support the Defense Programs Stockpile Stewardship Program Strategy and the National Security Strategic Plan. Also, to identify and evaluate the significance and the relative importance of each of the ICF program elements to the overall Inertial Confinement Fusion program, to the National Security Strategic Plan, and to the Stockpile Stewardship Program. To evaluate the progress of the light-ion ICF program with respect to its technical contract and its capability to support the Nation's Science-Based Stockpile Stewardship Program; to evaluate the progress of the target physics program with respect to the Nova technical contract; to be informed about the recently revised ICF Five Year Program Plan; and to comment on the technical merit and feasibility of a proposed hydrogen fluoride laser driver program.

Tentative Agenda: Subject to revision

June 6, 1995

8:00 a.m. Opening.

8:15 a.m. SNL Welcoming Remarks.

8:30 a.m. Summary of Recent Events; Stockpile Stewardship; ICF Program Mission, Priorities, & Objectives.

9:10 a.m. Omega Upgrade Status.

9:25 a.m. Nike Status.

9:40 a.m. Remarks from NIF Program Office.

9:55 a.m. ICF Program Wrap-Up and Review of ICF 5-Year Program Plan.

10:45 a.m. Closed Meeting (10:45am–5:50pm).

June 7, 1995

8:00 a.m. Closed Meeting (8:00am–9:20am).

9:20 a.m. Light Ion ICF Program (Open Meeting 9:20am–3:40pm).

3:40 p.m. Closed Meeting (3:40pm–6:40pm).

June 8, 1995

8:00 a.m. Closed Meeting.

10:45 a.m. Opportunity for Public Comment.

11:45 a.m. Committee Discussions and Wrap-up.

12:30 p.m. Adjournment.

Open to the Public: On June 6, 1995, from 7:30 a.m. to 10:45 a.m., on June 7, 1995, from 9:20 a.m. until 3:40 p.m., and on June 8, 1995 from 10:30 a.m. until adjournment, the meeting is open to the public. The Chairman of the Committee is empowered to guide the meeting in a manner that will, in the Chairman's judgment, facilitate the orderly conduct of business. This notice is being published less than 15 days prior to the date of the meeting due to issues that needed to be resolved.

Any member of the public who wishes to make an oral statement pertaining to agenda items should contact the Designated Federal Officer at the address or telephone number shown above. Requests must be received before 3:00 p.m. (eastern daylight time) Friday, June 2, 1995. Reasonable provisions will be made to include the presentation during the public comment period. Oral presenters are asked to provide 25 copies of their statements at the time of their presentations.

Written statements pertaining to agenda items may also be submitted prior to the meeting. Written statements must be received by the Designated Federal Officer at the address shown above before 3:00 p.m. (eastern daylight time) Friday, June 2, 1995, to assure they are considered by the committee during the meeting.

Closed Meeting: Pursuant to section 7234(b), title 42, United States Code, and section 776(b), title 15, United States Code, the portions of the meeting from 10:45 a.m. until 12:40 p.m. and from 1:50 p.m. until 5:50 p.m. on June 6, 1995; from 8:00 a.m. until 9:20 a.m. and from 3:40 p.m. until 6:40 p.m. on June 7, 1995; and from 8:00 a.m. until 10:30 a.m. June 8, 1995, will be closed to the public in the interest of national security.

Minutes: Minutes of the open portions of the meeting will be available for public viewing and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, Room 1E–190, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C., 20585, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on May 25, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee, Management Officer.

[FR Doc. 95–13302 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

International Energy Agency Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Industry Supply Advisory Group (ISAG) to the International Energy Agency (IEA) will meet June 7–8, 1995, at the offices of the Organization for Economic Cooperation and Development (OECD) in Paris, France, to conduct training on the operation of the IEA's Emergency Sharing System.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International and Legal Policy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–6738.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i)

of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Supply Advisory Group (ISAG) to the International Energy Agency (IEA) will be held on June 7–8, 1995, at the headquarters of the Organization for Economic Cooperation and Development, 2, rue Andre-Pascal, Paris, France, beginning at 9:00 a.m. on June 7. The agenda for the meeting is as follows:

1. General Introduction and Short Description of IEA Organization and Purpose.
2. Review of the Agenda and Focus of the Training Program.
3. Legal Requirements.
4. The IEA Emergency Response System.
5. IEA Emergency Calculations.
6. An Introduction to Questionnaires A and B.
7. Information and Communications Systems.
8. ISAG's Role, Organization and Responsibilities.
9. An Introduction to the Disruption Scenario.
10. Short Discussion on Scenario.
11. An Introduction to Voluntary Offers.
12. An Introduction to Voluntary Offer Computer System (VOS).
13. Strategy Development and ISAG's Monitoring Role: An Example from AST–7.
14. Processing Voluntary Offers.
15. Description of a Typical ISAG Day.
16. Progress Towards Balancing Allocation Rights/Allocation Obligations Matrix, Information Flow and Problems Encountered.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), this meeting is open only to representatives of members of the ISAG and their counsel, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the European Commission, and invitees of the ISAG or the IEA.

Issued in Washington, D.C., May 24, 1995.

Robert R. Nordhaus,

General Counsel.

[FR Doc. 95–13303 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board.

Date and Time: Tuesday, June 13, 1995, 8:30 AM–1:00 PM.

Place: Radisson Plaza Hotel at Mark Center, 5000 Seminary Road, Alexandria, Virginia 22311.

FOR FURTHER INFORMATION CONTACT: Peter F. Didisheim, Executive Director, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7092.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Secretary of Energy Advisory Board was established to serve as the Secretary of Energy's primary mechanism for long-range planning and analysis of major issues facing the Department of Energy. The Board will advise the Secretary on the research, development, energy and national defense responsibilities, activities, and operations of the Department and provide expert guidance in these areas to the Department.

Tentative Agenda

9:00 am Opening Remarks.
9:15 am Task Force on Strategic Energy Research and Development—Final Report Presentation.
9:45 am Discussion.
10:15 am Break.
10:30 am Overview of the Strategic Alignment of the Department of Energy.
10:45 am Discussion.
11:00 am Follow-On Activities of the Task Force on Alternative Futures for the DOE National Labs.
11:30 am Discussion of Future Board Activities.
12:30 pm Public Comment.
1:00 pm Adjourn.

A final agenda will be available at the meeting.

Public Participation: The Chairman of the Board is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, DC, the Board welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Board will make every effort to hear the views of all interested parties. Written comments may be submitted to Peter F. Didisheim, Executive Director, Secretary of Energy Advisory Board, AB–1, 1000 Independence Avenue, SW., Washington, DC 20585. In order to insure that Board members have the opportunity to review written comments prior to the meeting, comments should be received by Friday, June 9, 1995.

Minutes: Minutes and transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room,, 1E–190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 AM and 4:00 PM, Monday through Friday except Federal holidays.

Issued at Washington, DC, on May 25, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–13301 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–M

[Docket No.: EH–IG–95–835]

Implementation Guides for Use With Department of Energy Regulation for Occupational Radiation Protection

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of 12 Implementation Guides for its regulation on Occupational Radiation Protection (10 CFR part 835). In the preamble to 10 CFR part 835, DOE committed to developing regulatory guidance documents (Implementation Guides) to provide the rationale for and the objectives of the DOE occupational protection regulation and to identify acceptable approaches for implementing this regulation. In addition, DOE committed to make copies of these documents available for unlimited use and distribution at the DOE Freedom of Information Reading Room. DOE intends to update the Implementation Guides periodically to improve their technical content. Accordingly, comments may be submitted at any time and on a continuous basis.

ADDRESSES: A copy of each Implementation Guide (IG) may be examined in the Department of Energy Freedom of Information Reading Room, room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except federal Holidays.

Submit written comments in the format designated in the Implementation Guides to Mr. Steven Zobel, Office of Worker Protection Programs and Hazards Management, EH–52, U.S. Department of Energy, 270 CC/GTN, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Any legal questions concerning the Implementation Guides should be directed to Mr. Ben McRae at (202) 586–

6975. For technical questions on the Implementation Guides or procedural questions concerning the submission of written comments contact Mr. Steven Zobel at (301) 903–2305 or Dr. Joel Rabovsky at (301) 903–2135.

SUPPLEMENTARY INFORMATION: The Department's goal is to provide the DOE complex with current, thorough guidance to facilitate effective and efficient implementation of the provisions in 10 CFR part 835. This guidance is primarily intended for use by those entities that must implement the requirements contained in 10 CFR part 835. DOE considers these guides to be living documents and will periodically update these IGs to improve technical content and maintain currency with DOE requirements, regulations, and standards. To this end, DOE will continue to accept comments for improving methods to implement 10 CFR part 835. A comment sheet is provided in each IG specifying a format for submitting comments. Informal comments and questions of a technical nature concerning any IG may be brought to the attention of the Department's technical point of contact. The titles of the 12 Implementation Guides are:

G–10 CFR 835/B1—Radiation Protection Program;
G–10 CFR 835/B2—Occupational ALARA Program;
G–10 CFR 835/C1—Internal Dosimetry Program;
G–10 CFR 835/C2—External Dosimetry Program;
G–10 CFR 835/C3—Radiation-Generating Devices;
G–10 CFR 835/C4—Evaluation and Control of Fetal Exposure;
G–10 CFR 835/E1—Instrument Calibration for Portable Survey Instruments;
G–10 CFR 835/E2—Workplace Air Monitoring;
G–10 CFR 835/G1—Posting and Labeling for Radiological Control;
G–10 CFR 835/H1—Occupational Radiation Exposure Record-Keeping and Reporting;
G–10 CFR 835/J1—Radiation Safety Training; and
G–10 CFR 835/M1—Sealed Radioactivity Source Accountability and Control.

These IGs provide acceptable approaches for establishing and operating specific parts of the overall radiation protection program. They identify the requirements of 10 CFR part 835 that relate to a specific major topical area and provide guidance on the characteristics of a radiation protection program that the DOE staff considers adequate to comply with the regulatory requirements.

Dated: April 13, 1995.

Peter N. Brush

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 95–13438 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Bonneville Power Administration

Finding of No Significant Impact and Floodplain Statement of Findings for Dworshak Wildlife Mitigation Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Finding of No Significant Impact (FONSI) and Floodplain Statement of Findings.

SUMMARY: This notice announces environmental findings on BPA's proposal to implement the Wildlife Mitigation Agreement for Dworshak Dam (Agreement) in order to mitigate for loss of wildlife habitat caused by the development of Columbia River Basin hydroelectric projects, particularly Dworshak Dam. The project involves wildlife conservation on 24 420 hectares (ha; 60,000 acres) of land in the Craig Mountain area of Idaho, and future acquisition of additional, unidentified lands in the lower Clearwater River drainage of Idaho for wildlife conservation purposes. BPA has prepared an environmental assessment (DOE/EA–1066) evaluating the proposed project. Based on the analysis in the EA, BPA has determined that the proposed action is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an environmental impact statement (EIS) is not required and BPA is issuing this FONSI.

A finding is included that there is no practicable alternative to locating the project within 100-year floodplains.

FOR FURTHER INFORMATION CONTACT: Thomas C. McKinney, Bonneville Power Administration, PO Box 3621 (ECN), Portland, Oregon, 97208–3621, phone number 503–230–4749, fax number 503–230–5699. For copies of the EA and this FONSI, please call BPA's toll-free document request line: 800–622–4520.

Public Availability: This FONSI will be distributed to all persons and agencies known to be interested in or affected by the proposed action or alternatives.

SUPPLEMENTARY INFORMATION: Implementation of the Agreement would transfer fee-title ownership of 24 420 ha (60,000 acres) to the Idaho Department of Fish and Game, and establish trust funds for the State of Idaho and the Nez Perce Tribe to use for protection and enhancement of wildlife and wildlife habitat in Idaho. Some of the trust fund assets would be used to acquire additional properties and/or conservation easements, and some would be used for management activities. Alternatives to the proposed action include maintaining the status quo, site-specific wildlife mitigation, and no action.

Potential impacts of the proposed action are: (1) Slow changes to vegetation patterns on wildlife mitigation lands; (2) avoidance of further loss or degradation of habitat on wildlife mitigation lands; (3) increased populations of target wildlife species; (4) improved surface water quality on wildlife mitigation lands; and (5) reduced grazing, timber production, and farming on wildlife mitigation lands. There are two main reasons why these impacts would not be significant. First, most of the impacts would gradually result from natural succession of vegetation patterns. Encouragement of desirable plant species (especially native species), discouragement of exotic species, and grazing control would eventually increase biological diversity on wildlife mitigation lands. Also, land use changes would not be significant because most would occur over a period of years, and because the amount of lands removed from economic uses would be minor in relation to other lands in the general area remaining available for similar uses. No impacts are expected on cultural resources, air quality, or unique environmental resources such as components of the National Wild and Scenic Rivers System or the National Trails System.

Floodplain Statement of Findings: This is a Floodplain Statement of Findings prepared in accordance with 10 CFR part 1022. BPA publishes a Notice of Floodplain and Wetland Involvement in the **Federal Register** on May 10, 1994, and incorporated a floodplain and wetland assessment into the EA. The proposed action may involve activities in the 100-year floodplains of the Clearwater, Salmon, and Snake Rivers and their tributaries because the floodplains and their related surface waters have high wildlife value. Any development (such as fencing) within the floodplains would be to protect or enhance wildlife values, and is therefore consistent with Executive Order 11988, *Floodplain Management.* The proposed action

would preserve wetlands and is therefore consistent with Executive Order 11990, *Protection of Wetlands.*

BPA will endeavor to allow 15 days of public review after publication of this statement of findings before implementing the proposed action.

Determination: Based on the information in the EA, as summarized here, BPA determines that the proposed action is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, 42 U.S.C. 4321 et seq. Therefore, an EIS will not be prepared and BPA is issuing this FONSI.

Issued in Portland, Oregon, on May 11, 1995.

Randall W. Hardy,

Administrator and Chief Executive Officer.

[FR Doc. 95–13439 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. PR95–12–000]

Sonat Intrastate-Alabama Inc.; Notice of Petition for Rate Approval Pursuant to Section 284.123(b)(2) of the Commission's Regulations

May 25, 1995.

Take notice that on May 22, 1995, Sonat Intrastate-Alabama Inc. (SIA) filed in the captioned docket a petition pursuant to Section 284.123(b)(2) of the Federal Energy Regulatory Commission's (Commission) Regulations under the Natural Gas Policy Act of 1978 (NGPA) for approval of a maximum systemwide rate for transporting natural gas pursuant to Section 311 of the NGPA, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

SIA files this petition pursuant to the Commission's Letter Order issued in Docket No. PR92–16–000 on May 6, 1994, requiring SIA to file a § 284.123(b)(2) application on or before May 20, 1995, to justify SIA's existing systemwide transportation rate or a changed systemwide rate. SIA proposes to retain its existing maximum systemwide transportation rate of 29.4¢ per MMBtu for Section 311 transportation services. SIA requests the Commission to determine that the rate proposed herein is a fair and equitable rate for performing Section 311 transportation services.

Any person desiring to be heard or to make a protest with reference to said application should file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before June 9, 1995. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 95–13309 Filed 5–31–95; 8:45 am]

BILLING CODE 6717–01–M

Southern Natural Gas Company; Notice of Petition for Declaratory Order

[Docket No. CP95–506–000]

May 25, 1995.

Take notice that on May 22, 1995, Southern Natural Gas Company (Southern), AmSouth-Sonat Tower, 1900 Fifth Avenue North, Birmingham, Alabama 35203, filed a petition in Docket No. CP95–506–000, requesting that the Commission declare that Southern's Miley Line, located in the Lockhart Crossing Field, Livingston Parish, Louisiana, is a gathering line exempt from the provisions of the Natural Gas Act (NGA), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Southern proposes to sell its Miley Line, a natural gas pipeline extending approximately 7,800 feet from the Miley #1 well to Amoco Production Company's (Amoco) central dehydration and separation facility. It is stated that on April 9, 1995, Southern and Amoco entered into a settlement agreement to amend certain pricing provisions of gas purchase contracts and to provide for the sale by Southern to Amoco of the Miley Line. Under the terms of the settlement agreement, Amoco will purchase the Miley Line from Southern at its remaining book value, upon the issuance by the Commission of a declaratory order disclaiming jurisdiction over the pipeline.

Southern submits that its Miley Line is a ''gathering facility'' under Section 1(b) of the NGA as interpreted by the Commission under the ''modified primary function'' test, as set forth in *Amerada Hess Corp., et al.*, as amended. 52 FERC ¶ 61,268 (1990). Southern notes that characteristic of gathering lines, the Miley Line is a very short, small-diameter pipeline, less than two miles long and four inches in diameter. Southern argues that the central point in the field analysis is inappropriate in this case because the Miley Line feeds the natural gas it collects into the Amoco Plant for processing. Southern states that there are no compressor facilities located along the Miley Line, consistent with the requirement of minimal compression on gathering facilities. Southern notes that the Miley Line is located completely behind a processing plant, with volumes flowing from the point of production at the Miley #1 well to the Amoco Plant, strongly supporting a finding that the facility performs a gathering function. Southern further notes that the Miley Line begins at the Miley #1 well, satisfying the requirement that wells be located along all or part of the facilities. Southern states that the gas gathered by the Miley Line is untreated rather than ''pipeline quality'', a characteristic found to be consistent with the gathering function. Finally, Southern relates that upon Amoco's purchase of the pipeline, the Miley Line will be owned and operated by a traditionally unregulated corporation which will continue in its historic practice of moving its own gas production to its various customers through its capacity in the line. Southern reports that Amoco presently performs no jurisdictional transportation functions in the Lockhart Crossing Field.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 15, 1995, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 95–13308 Filed 5–31–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP95–7–000]

Williams Natural Gas Company v. Oxy USA, Inc.; Notice of Complaint

May 25, 1995.

Take notice that on May 22, 1995, Williams Natural Gas Company (WNG), pursuant to Rule 206, of the Commission's Rules of Practice and Procedure, 18 CFR 385.206(a), filed a complaint against Oxy USA Inc., (Oxy).

WNG submits that Oxy has filed a lawsuit against WNG in the District Court of Tulsa County, State of Oklahoma, Case No. CJ–95–01765 claiming the right to certain excess royalty reimbursements on two NGPA Section 102 wells during periods prior to 1985 when the price of Section 102 gas was regulated.

WNG states that it has already paid to Oxy the maximum lawful price (MLP) for such Section 102 gas. WNG requests that the Commission issue an order finding (a) any collection of excess royalties by Oxy from WNG in addition to the maximum lawful price already paid for such gas would violate the Natural Gas Policy Act of 1978, 15 USC §§ 3311–3333; and (b) this is an issue within the exclusive jurisdiction of the Commission.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before June 26, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before June 26, 1995.

Lois D. Cashell,

Secretary.

[FR Doc. 95–13310 Filed 5–31–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–305–001]

Williams Power Trading Company; Errata to Notice of Filing

May 25, 1995.

Take notice that the Notice of Filing issued in Docket No. ER95–305–001 on May 9, 1995 (60 FR 25898, May 15, 1995), should have included the following sentence as the last sentence in that notice, ''All comments and protests should be filed on or before June 8, 1995.''

Lois D. Cashell,

Secretary.

[FR Doc. 95–13311 Filed 5–31–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 95–34–NG]

Masspower; Order Granting Blanket Authorization to Import and Export Natural Gas, Including Liquefied Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting MASSPOWER authorization to import and export a combined total of up to 20 Bcf of natural gas, including liquefied natural gas (LNG), from and to Canada over a two-year term beginning on the date of the first import or export delivery, whichever occurs first, after May 12, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 17, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–13324 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 95–26–NG]

Cibola Canada Energy Marketing Co.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Cibola Canada Energy Marketing Company (Cibola) authorization to import from and to export to Canada a combined total of up to 50 Bcf of natural gas. The term of the authorization is for a period of two years, beginning on the date of first import or export delivery.

Cibola's order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 8, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–13322 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

[FE DOCKET No. 95–27–NG]

Koch Gas Services Co.; Order Granting Blanket Authorization to Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Koch Gas Services Company blanket authorization to export up to 50 Bcf of domestic natural gas to Canada over a period of two years beginning on the date of first export delivery.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 10, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–13323 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

[FE DOCKET No. 95–30–NG]

Pawtucket Power Associates Limited Partnership; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pawtucket Power Associates Limited Partnership authorization to import up to 10.584 Bcf of natural gas from Canada over a two-year term beginning on the date of the first delivery after May 25, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 16, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–13325 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

[FE DOCKET NO 95–28–NG]

Western Gas Resources, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Western Gas Resources, Inc. authorization to import up to 73 Bcf of natural gas from Canada and export up to 73 Bcf of natural gas to Canada over a two-year term beginning on the date of the first import or export after June 16, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 18, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy,

[FR Doc. 95–13326 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of $866,352.24, plus accrued interest, in refined petroleum product violation amounts obtained by the DOE pursuant to Consent Orders issued to Bell Fuels, Inc., et al., Case Nos. LEF–0061, et al. In the absence of sufficient information to implement direct restitution to injured customers of the consenting firms, the OHA has determined that if no such customers come forward, the funds obtained from these firms, plus accrued interest, will be made available to state governments for use in four energy conservation programs.

DATE AND ADDRESS: Applications for Refund from customers of the consenting firms must be filed in duplicate and sent to:

Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

Applications should display a prominent reference to the name of the consenting firm in question and the appropriate case number. Applications should be postmarked by September 29, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2094 (Mann); 586–2383 (Klurfeld).

SUPPLEMENTARY INFORMATION:

In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. This Decision and Order sets forth the procedures that the DOE has formulated to distribute $866,352.24, plus accrued interest, obtained by the DOE pursuant to Consent Orders issued to eighteen resellers and retailers of refined petroleum products. The Consent Orders settled DOE allegations that, during periods between 1973 and 1981, the firms had sold certain refined petroleum products at prices in excess of the maximum lawful selling price, in violation of Federal petroleum price regulations. The names of the firms, their case numbers, the dates of the settlement periods, the products covered by each Consent Order, and the amounts received from each firm are set forth in the Appendix to the Decision.

Since it lacks sufficient information to implement a standard first-stage refund process, the OHA has determined that it will accept refund claims from any injured customers of the consenting firms who come forward and will devise refund procedures based on the information these applicants provide. If no applicants come forward, all of the funds obtained from the firms will be made available for indirect restitution in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501–07. The funds will be distributed to state governments for use in four energy conservation programs.

Applications for Refund must be postmarked by September 29, 1995. Instructions for the completion of refund applications are set forth in the Decision that immediately follows this notice. Applications should be sent to the address listed at the beginning of this notice.

Unless labeled as ''confidential,'' all submissions must be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: May 19, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy; Implementation of Special Refund Procedures

May 19, 1995.

Names of Firms: Bell Fuels, Inc., *et al.*

Dates of Filing: July 20, 1993, November 16, 1993.

Case Numbers: LEF–0061, et al.

On July 20 and November 16, 1993, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA), to distribute the funds received pursuant to Consent Orders entered into by the DOE and the eighteen petroleum resellers and retailers listed in the Appendix to this Decision and Order (hereinafter collectively referred to as the consenting firms). In accordance with the provisions of the procedural regulations at 10 C.F.R. Part 205, Subpart V (Subpart V), the ERA requests in its Petitions that the OHA establish special procedures to make refunds in order to remedy the effects of regulatory violations set forth in the Consent Orders.

I. Background

Each of the consenting firms was a reseller or retailer of refined petroleum products during the periods relevant to this proceeding. ERA audits of the consenting firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of refined petroleum products. Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability with respect to sales to their customers during the settlement periods. The firms' payments are currently being held in separate interest-bearing accounts pending

distribution by the DOE. The names of the firms, their addresses, the dates of the settlement periods and of the Consent Orders, the amount received from each firm, and the products covered by each Consent Order are set forth in the Appendix to this Decision.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, *see Petroleum Overcharge Distribution and Restitution Act of 1986,* 15 U.S.C. §§ 4501 et seq. *(PODRA), Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (*Vickers*).

III. Refund Procedures

On April 3, 1995, the OHA issued a Proposed Decision and Order (PD&O) establishing tentative procedures to distribute the Consent Order funds. That PD&O was published in the **Federal Register**, and a 30-day period was provided for the submission of comments regarding our proposed refund plan. *See* 60 Fed. Reg. 18809 (April 13, 1995). More than 30 days have elapsed and the OHA has received no comments concerning these proposed refund procedures. Consequently, the procedures will be adopted as proposed.

In cases where the ERA is unable to identify parties injured by the alleged overcharges or the specific amounts to which they may be entitled, we normally implement a two-stage refund procedure. In the first stage of such a proceeding, those who bought refined petroleum products from the consenting firms may apply for refunds, which are calculated on a pro-rata or volumetric basis. In order to calculate the volumetric refund amount, the OHA divides the amount of money available for direct restitution by the number of gallons sold by the firm during the period covered by the consent order. In the second stage, any funds remaining after all first-stage claims are decided are distributed in accordance with *PODRA*.

In the cases covered by this Decision, however, we lack much of the information that we normally use to provide direct restitution to injured customers of the consenting firms. In particular, we have been unable to obtain any information on the volumes of the relevant petroleum products sold by the consenting firms during the settlement period. Nor do we have any information concerning the customers of these firms. Based on the present state of the record in these cases, it would be difficult to implement a volumetric refund process. Nevertheless, we will accept any refund claims submitted by persons who purchased the products specified in the Appendix from the consenting firms during the periods shown in the Appendix. We will work with those claimants to develop additional information that would enable us to determine who should receive refunds and in what amounts.

To apply for a refund from any of the Consent Order funds, a claimant should submit an Application for Refund containing the following information:

(1) Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number, a statement indicating whether the claimant is an individual, corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for additional information, and the name and address of the person who should receive any refund check.[1]

(2) A monthly purchase schedule covering the relevant settlement period. The applicant should specify the source of this gallonage information. In calculating its purchase volumes, an applicant should use actual records from the refund period, if available. If these records are not available, the applicant may submit estimates of its gasoline purchases, but the estimation method must be reasonable and must be explained;

(3) A statement whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in that refund proceeding. If so, an explanation of the circumstances of the other filing or authorization should be submitted;

(4) If the applicant is or was in any way affiliated with the consenting firm, it should explain this affiliation, including the time period in which it was affiliated;[2]

(5) The statement listed below signed by the individual applicant or a responsible official of the firm filing the refund application:

I swear (or affirm) that the information contained in this application and its attachments is true to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled with the name and case number of the relevant consenting firm. Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for that information to be publicly disclosed, it must submit an original application, clearly designated ''confidential,'' containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be postmarked on or before September 29, 1995, and sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

We will adopt the standard OHA procedures relating to refund applications filed on behalf of applicants by ''representatives,'' including refund filing services, consulting firms, accountants, and attorneys. See, e.g., Starks Shell Service, 23 DOE ¶ 85,017 (1993); Texaco Inc., 20 DOE ¶ 85,147 (1990); Shell Oil Co., 18 DOE ¶ 85,492 (1989). We will also require strict compliance with the filing requirements as specified in 10 C.F.R. § 205.283, particularly the requirement that applications and the accompanying certification statement be signed by the applicant.

The OHA reiterates its policy to scrutinize applications filed by filing services closely. Applications submitted by a filing service should contain all of the information indicated above.

Finally, the OHA reserves the authority to require additional information before granting any refund in these proceedings.

If no claims are received, we will distribute all of the funds received from the consenting firms in accordance with the provisions of PODRA. See Green Oil Company, 20 DOE ¶ 85,450 (1990). PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated those responsibilities to the OHA, and any funds that the OHA determines will not be needed to effect direct restitution to injured customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by the firms listed in the Appendix to this Decision and Order pursuant to the Consent Orders whose dates are set forth in the Appendix may now be filed.

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[1] Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 C.F.R. Part 205, Subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

[2] As in other refund proceedings involving alleged refined product violations, the DOE will presume that affiliates of a consenting firm were not injured by the firm's overcharges. See, e.g., Marathon Petroleum Co./EMRO Propane Co., 15 DOE ¶ 85,288 (1987). This is because the consenting firm presumably would not have sold petroleum products to an affiliate if such a sale would have placed the purchaser at a competitive disadvantage. See Marathon Petroleum Co./Pilot Oil Corp., 16 DOE ¶ 85,611 (1987), amended claim denied, 17 DOE ¶ 85,291 (1988), reconsideration denied, 20 DOE ¶ 85,236 (1990). Furthermore, if an affiliate of the consenting firm were granted a refund, the consenting firm would be indirectly compensated from a Consent Order fund remitted to settle its own alleged violations.

(2) Applications for Refund must be postmarked no later than September 29, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Date: May 19, 1995.

APPENDIX

Case No.	Firm	Address	Settlement period	Date of consent order	Amount received	Product
LEF–0061	Bell Fuels, Inc.	4116 W. Peterson Ave., Chicago, IL 60646.	1/1/79–11/30/79	8/31/82	$33,973.12	Gasoline.
LEF–0062	Este Oil Co.	5556 Vine St., Cincinnati, OH 45217.	11/1/73–1/28/81	5/13/83	63,033.90	Refined petroleum products.
LEF–0063	G&G Oil Co. of Indiana, Inc..	220 E. Centennial Ave., Muncie, IN 47305.	4/1/79–12/31/79	2/1/83	49,097.11	Do.
LEF–0064	General Petroleum Products, Inc..	P.O. Box 209, Gary, IN 46402.	11/1/73–4/30/74	7/13/83	23,060.52	Do.
LEF–0065	Reco Petroleum, Inc.	100 N. 4th St., Reading, PA 19601.	3/1/79–1/30/81	2/8/83	26,472.40	Gasoline.
LEF–0066	SOS Monarch Oil Corp.	East Village Rd., Tuxedo, NY 10987.	4/1/79–9/30/79	10/25/82	5,901.03	Do.
LEF–0067	Capitol 66 Oil Co.	P.O. Box 2839, Jackson, MS 39207.	11/1/73–3/31/74	9/15/82	15,766.43	Refined petroleum products.
LEF–0068	Cumberland Farms Dairy, Inc..	777 Dedham St., Canton, MA 02021.	1/1/73–1/28/81	4/17/83	183,193.74	Gasoline.
LEF–0069	Kickapoo Oil Co.	215 E. Madison, Hillsboro, WI 54634.	3/1/79–8/31/79	9/24/82	40,812.58	Propane.
LEF–0070	Lampton-Love, Inc.	P.O. Drawer 1607, Jackson, MS 39205.	11/73–4/74	9/30/82	12,983.93	Gasoline.
LEF–0071	Skinny's Inc.	5189 Texas Ave., Abilene, TX 79608.	3/1/79–3/31/80	9/2/82	16,000.00	Do.
LEF–0072	Vermont Morgan Corp	114 Broadway, Saratoga, NY 12866.	4/1/79–6/30/79	4/5/83	20,275.00	Do.
LEF–0075	Bob's Broadway Shell	220 W. 17th St., Santa Ana, CA 92708.	8/1/79–5/7/80	10/8/81	2,100.00	Do.
LEF–0076	Clearview Gulf	3120 Clearview Parkway, Metairie, LA 70002.	4/1/79–7/15/79	8/14/81	594.84	Do.
LEF–0077	E–Z Serve, Inc.	P.O. Box 3579, Abilene, TX 79604.	8/19/73–1/27/81	12/27/82	368,550.56	Do.
LEF–0079	Millbrae Shell	825 Spruance Ln., Foster City, CA 94404.	8/1/79–11/30/79	3/5/82	2,500.00	Do.
LEF–0080	Bob Hutchinson, Inc.	1334 Breckenridge St., San Leandro, CA 94579.	8/1/79–11/30/79	3/5/82	1,762.07	Do.
LEF–0116	Maxwell Oil Co., Inc.	P.O. Box 1936, Olympia, WA 98507.	5/1/79–12/1/79	9/1/81	275.01	Do.

[FR Doc. 95–13305 Filed 5–26–95; 8:45 am]

BILLING CODE 6450–01–P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of a total of $7,280,202, plus accrued interest, in crude oil overcharges obtained by the DOE from MAPCO, Inc. and MAPCO International, Inc., Case No. VEF–0004 (MAPCO). The OHA has determined that the funds obtained from MAPCO, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986).

DATE AND ADDRESSES: Applications for Refund should be filed in duplicate and sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585

Applications must be postmarked no later than June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2094 (Mann); 586–2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute a total of $7,280,202, plus accrued interest, remitted to the DOE by MAPCO, Inc. and MAPCO International, Inc. to the DOE. The DOE is currently holding these funds in an interest bearing account pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in

Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury.

The deadline for filing Applications for Refund is June 30, 1995. A suggested application form may be obtained by sending a written request to the address given at the beginning of this notice. All applications should also be sent to that address. As we state in the Proposed Decision, any party who has previously submitted a refund application in the crude oil proceedings should not file another Application for Refund. The previously filed crude oil application will be deemed filed in all crude oil proceedings as the proceedings are finalized.

Unless labeled as ''confidential,'' all submissions must be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Ave., SW., Washington, DC 20585.

Dated: May 19, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

DEPARTMENT OF ENERGY, WASHINGTON, DC 20585

May 19, 1995.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: MAPCO International, Inc.
Date of Filing: February 23, 1995.
Case Number: VEF–0004.

On February 23, 1995, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA), to distribute crude oil overcharge funds received from MAPCO, Inc. (MAPCO) pursuant to a June 23, 1994 Settlement Agreement. The Settlement Agreement resolved claims and litigation arising from an April 21, 1986 Remedial Order originally issued to MAPCO Inc.'s subsidiary MAPCO International, Inc. (MAPCO International) (Case No. HRO–0193). In accordance with the provisions of the procedural regulations at 10 C.F.R. Part 205, Subpart V (Subpart V), the ERA requests in its Petition that the OHA establish special procedures to make refunds in order to remedy the effects of alleged regulatory violations set forth in the Remedial Order. This Decision and Order sets forth the OHA's plan to distribute these funds.

I. Background

During the period relevant to this proceeding, MAPCO International, Inc. was a reseller of crude oil. On June 30, 1983, the ERA issued a Proposed Remedial Order (PRO) to the firm. The PRO alleged that during the period from August 1978 through November 1980 (the audit period), MAPCO International sold crude oil at prices in excess of those permitted by 10 C.F.R. Part 212, Subpart L. After considering and dismissing MAPCO International's objections to the PRO, the DOE issued a final Remedial Order. 14 DOE ¶ 83,019 (1986). MAPCO International appealed the Remedial Order to the Federal Energy Regulatory Commission, which affirmed the Remedial Order. 43 FERC ¶ 63,041 (1988); 56 FERC ¶ 61,063 (1991). Three years of litigation ensued. MAPCO, MAPCO International and the DOE finally resolved all their disputes arising from the Remedial Order with the June 23, 1994 Settlement Agreement. Pursuant to the Settlement Agreement, MAPCO remitted to the DOE the sum of $7,280,202, to which interest has since accrued. These funds are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper distribution.

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, *see Petroleum Overcharge Distribution and Restitution Act of 1986,* 15 U.S.C. §§ 4501 et seq., *Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (*Vickers*).

We have considered the ERA's petition that we implement Subpart V proceedings with respect to the MAPCO funds and have determined that such proceedings are appropriate. This Decision and Order sets forth the OHA's plan to distribute these funds.

III. Refund Procedures

On April 3, 1995, the OHA issued a Proposed Decision and Order (PD&O) establishing tentative procedures to distribute the MAPCO funds. That PD&O was published in the **Federal Register**, and a 30-day period was provided for the submission of comments regarding our proposed refund plan. *See* 60 Fed. Reg. 18812 (April 13, 1995). More than 30 days have elapsed and the OHA has received no comments concerning the proposed procedures for the distribution of the MAPCO funds. Consequently, the procedures will be adopted as proposed.

A. Crude Oil Refund Policy

We will distribute the monies remitted by MAPCO in accordance with DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP). *See* 51 Fed. Reg. 27899 (August 4, 1986). The MSRP was issued as a result of a court-approved Settlement Agreement *In Re: The Department of Energy Stripper Well Exemption Litigation,* 653 Fed. Supp. 108 (D. Kan.), 6 Fed. Energy Guidelines ¶ 90,509 (1986) (the Stripper Well Settlement Agreement). This policy has been applied in all Subpart V proceedings involving alleged crude oil violations. *See* Order Implementing the MSRP, 51 Fed. Reg. 29689 (August 20, 1986) (the August 1986 Order).

Under the MSRP, 40 percent of crude oil overcharge funds will be refunded to the federal government, another 40 percent to the states, and up to 20 percent may initially be reserved for the payment of claims to injured parties. The MSRP also specifies that any funds remaining after all valid claims by injured purchasers are paid will be disbursed to the federal government and the states in equal amounts.

On April 10, 1987, the OHA issued a Notice analyzing the numerous comments received in response to the August 1986 Order. 52 Fed. Reg. 11737 (April 10, 1987) (the April 10 Notice). This Notice provided guidance to claimants that anticipated filing refund applications for crude oil monies under the Subpart V regulations. In general, we stated that all claimants would be required to (1) document their purchase volumes of petroleum products during the August 19, 1973 through January 27, 1981 crude oil price control period, and (2) prove that they were injured by the alleged crude oil overcharges. End-users of petroleum products whose businesses were unrelated to the petroleum industry would be presumed to have been injured by the alleged crude oil overcharges and would not be required to submit proof of injury. *See City of Columbus, Georgia,* 16 DOE ¶ 85,550 (1987).

B. Refund Claims

The amount of money covered by this Decision is $7,280,202, plus accrued interest. In accordance with the MSRP, we will initially reserve 20 percent of those funds ($1,456,040 in principal, plus accrued interest) for direct refunds to applicants who claim that they were injured by crude oil overcharges.

We will evaluate claims in the MAPCO crude oil refund proceeding in exactly the same manner as in other crude oil proceedings. As we stated in the April 10 Notice, claimants will generally be required to document their purchase volumes of petroleum products and prove that they were injured as a result of the alleged violations. We will presume that the alleged crude oil overcharges were absorbed, rather than passed on, by applicants who were (1) end-users of petroleum products, (2) unrelated to the petroleum industry, and (3) not subject to the regulations promulgated under the Emergency Petroleum Price and Allocation Act of 1973, 15 U.S.C. §§ 751–760h. In order to receive a refund, such claimants need not submit any evidence of injury beyond documentation of their purchase volumes. It is the current policy of the DOE to pay all crude oil refund claims at the rate of $0.0016 per gallon.

As has been stated in earlier Decisions, a crude oil refund applicant will only be required to submit one application for its share of all available crude oil overcharge funds. *See, e.g., A.Tarricone Inc.*, 15 DOE ¶85,475 (1987). A party that has already submitted a claim in any other crude oil refund proceeding implemented by the DOE need not file another claim. The deadline for filing an Application for Refund is June 30, 1995. *See* 60 Fed. Reg. 19914 (April 21, 1995). Any claimant that has executed a valid waiver pursuant to one of the escrow accounts established by the Stripper Well Agreement, however, has waived its right to file an application for a Subpart V crude oil refund. *See Mid-American Dairymen v. Herrington*, 878 F. 2d 1448 (Temp. Emer. Ct. App.), 3 Fed. Energy Guidelines ¶26,617 (1989); *In re: Department of Energy Stripper Well Exemption Litigation*, 707 F. Supp. 11267 (D. Kan.), 3 Fed. Energy Guidelines] 26,613 (1987).

To apply for a refund, a claimant should submit an Application for Refund. Each crude oil Application for Refund should contain the information specified by the OHA in past decisions. *See Texaco Inc.*, 19 DOE ¶85,200 at 88,374, *corrected*, 19 DOE ¶85,236 (1989); *Hood Goldsberry*, 18 DOE ¶85,902 at 89,477–78 (1989); *Wickett Refining Co.*, 18 DOE ¶85,659 at 89,081–82 (1989). All applications should be postmarked no later than June 30, 1995 and sent to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

Although an applicant is not required to use any specific form for its crude oil refund application, the OHA has prepared a suggested form, which may be obtained by sending a written request to the address given above.

D. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the amount remitted by MAPCO, or $5,824,162 in principal, plus accrued interest, will be disbursed in equal shares to the states and federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the crude oil price control period. The share of the funds allocated to each state is contained in Exhibit H of the Stripper Well Agreement. When disbursed, these funds will be subject to the same limitations and reporting requirements that apply to any other crude oil overcharge funds received by the states in accordance with the Stripper Well Agreement.

It Is Therefore Ordered That:

(1) Applications for Refund from the alleged crude oil overcharges remitted to the Department of Energy by MAPCO, Inc. pursuant to the Settlement Agreement dated June 23, 1994 may now be filed.

(2) All crude oil refund applications submitted pursuant to Paragraph (1) above must be postmarked no later than June 30, 1995.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy, shall transfer a total of $2,912,081, plus accrued interest, from the subaccount denominated ''MAPCO International,'' Consent Order No. 6C0X00270W, into the subaccount denominated ''Crude Tracking-States,'' Account No. 999DOE003W.

(4) The Director of Special Accounts and Payroll shall transfer a total of $2,912,081, plus accrued interest, from the subaccount denominated ''MAPCO International,'' Consent Order No. 6C0X00270W, into the subaccount denominated ''Crude Tracking-Federal,'' Account No. 999DOE002W.

(5) The Director of Special Accounts and Payroll shall transfer a total of $1,456,040, plus accrued interest, from the subaccount denominated ''MAPCO International,'' Consent Order No. 6C0X00270W, into the subaccount denominated ''Crude Tracking-Claimants 4,'' Account No. 999DOE0010Z.

(6) This is a final Order of the Department of Energy.

Date: May 19, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–13306 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has adopted the procedures to be followed in refunding monies obtained by the Department of Energy (DOE) from Gulf Oil Corporation to settle alleged crude oil violations. The funds will be distributed pursuant to the DOE's Modified Statement of Restitutionary Policy.

ADDRESSES: Applications for Refund must be filed in duplicate no later than June 30, 1995, and should be addressed to: Subpart V Crude Oil Overcharge Refunds, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–2390.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the final Decision and Order set out below. The Decision relates to a June 14, 1985 consent order between the DOE and Gulf Oil Corporation. The Decision sets forth the procedures that the DOE has formulated to distribute funds that Gulf Oil Corporation remitted to the DOE to settle allegations that it violated the Agency's crude oil price and allocation regulations. The consent order covers the period January 1, 1973 through January 27, 1981.

The Decision disburses the available funds in accordance with the DOE's Modified Statement of Restitutionary Policy. Specifically, a total of $37,309,761, will made available for direct restitution to injured end users of refined petroleum products. The States will receive $8,706,529, and the Federal Government will receive $8,604,301.

Applications for Refund from the portion of the Gulf Oil Corporation consent order funds allocated to the crude oil overcharge refund pool may now be filed. Applications must be filed by June 30, 1995. Applicants that have previously filed a crude oil overcharge refund application with the Department of Energy need not file an additional application in order to receive a refund from the Gulf crude oil monies.

Dated: May 19, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

DEPARTMENT OF ENERGY, WASHINGTON, DC 20585

May 19, 1995.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Gulf Oil Corporation.
Date of Filing: June 30, 1987.
Case Number: KFX–0037.

On July 25, 1985, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a petition with the Office of Hearings and Appeals (OHA), requesting that the OHA formulate and implement procedures for distributing funds obtained through the settlement of enforcement proceedings involving Gulf Oil Corporation (Gulf). See 10 C.F.R. Part 205, Subpart V. On October 15, 1986, the OHA issued a Proposed Decision and Order tentatively setting forth procedures for distributing the Gulf settlement fund, remitted to the DOE pursuant to a June 14, 1985 consent order. 51 Fed. Reg. 37479 (October 22, 1986). This Decision and Order will provide the final procedures for the disbursement of the Gulf funds attributable to Gulf's alleged crude oil violations.

Under the terms of a consent order, Gulf remitted $146,550,226.79 to the DOE in settlement of alleged violations occurring between January 1, 1973 and January 27, 1981. Because the consent order resolves alleged violations involving both sales of crude oil and refined products, we divided the fund into two pools. See Standard Oil Co. (Indiana), 10 DOE ¶ 85,048 (1982)(*Amoco*). As we stated in the Proposed Order,

according to information set forth in the **Federal Register** Notice announcing the proposed Gulf consent order, approximately 71 percent of the aggregate amount of the alleged violations settled by the consent order concern Gulf's alleged production and sales of crude oil. 50 Fed. Reg. 9493, 9496 (March 6, 1985). We therefore proposed that this same percentage of the principal in the Gulf escrow account, or $104,050,661, be set aside as a pool to be used for crude oil refunds.[1]

The DOE's Modified Statement of Restitutionary Policy (MSRP) is applicable to the disbursal of the Gulf crude oil funds. Under the terms of the MSRP, 20 percent of crude oil violation funds are reserved to satisfy claims by injured end users of petroleum products. The remaining 80 percent of the funds are divided equally between the States and the Federal Government. We will next consider how the funds in the Gulf account should be disbursed.[2]

Pursuant to the MSRP, we will reserve 20 percent of the $104,050,661 Gulf crude oil fund, or $20,810,132, for direct restitution to end users. 51 Fed. Reg. 27899 (August 4, 1986). We will also transfer $16,499,629 in interest on that sum for this purpose.[3] Thus, the total amount to be disbursed to the end user account is $37,309,761.

We next consider the refund amount due to the States. Under the terms of the MSRP, the States were entitled to 40 percent of the Gulf crude oil fund, or $41,620,264. The States have already been reimbursed $36,792,564.[4] Therefore, the States are entitled to an additional $4,827,700 plus interest. Applying the current interest factor discussed above, we find that the interest on this amount is $3,827,715. Thus, the total is $8,655,415. We further find that the Federal Government should receive the same share.

However, one small modification must be made to this State/Federal Government division. We will provide an adjustment to account for a payment of $57,019, for which the Federal Government is solely responsible. This payment was made from the Gulf crude oil funds to Sage Creek Refining Company, an entitlements receive order firm. Sage Creek Refining Co., 14 DOE ¶ 85,288 (1986). We will disburse to the States one half of the amount of the Sage Creek payment plus interest, or one half of $102,227, which is $51,114.[5] Thus, the States' total refund equals $8,655,415 plus $51,114, or $8,706,529. We will also deduct $51,114 from the Federal Government's share. Thus, the Federal Government's share will be $8,604,301.

In view of the above considerations, Applications for Refund from the funds remitted by Gulf to settle alleged crude oil violations may now be filed.[6]

It Is Therefore Ordered That:

(1) Applications for Refund from the portion of the Gulf Oil Corporation consent order funds allocated to the crude oil overcharge refund pool may now be filed. Applicants that have previously filed a crude oil overcharge refund application with the Department of Energy need not file an additional application in order to receive a refund from the Gulf crude oil monies.

(2) All applications submitted pursuant to Paragraph (1) above must be filed no later than June 30, 1995.

(3) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller, Department of Energy shall take all necessary steps to transfer all funds in the Consumers Power Company escrow account (Number AAAAAAAAAA) to the Gulf Oil Corporation escrow account, Number RGFA00001Z, hereinafter the Gulf account.

(4) The Director of Special Accounts and Payroll shall take all necessary steps to make the disbursements set forth in Paragraphs (5), (6) and (7) below from the Gulf account.

(5) The Director of Special Accounts and Payroll shall transfer the sum of $37,309,761 to the subaccount denominated ''Crude Tracking-Claimants 4,'' Number 999DOE010Z.

(6) The Director of Special Accounts and Payroll shall transfer $8,604,301 into the subaccount denominated ''Crude Tracking-Federal,'' Number 999DOE002W.

(7) The Director of Special Accounts and Payroll shall transfer $8,706,529 into the subaccount denominated ''Crude Tracking-States,'' Number 999DOE003W.

Dated: May 19, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–13366 Filed 5–31–95; 8:45 am]

BILLING CODE 6450–01–P

[1] Our Proposed Decision covered tentative refund procedures for both crude oil and refined petroleum products. We stated that the remaining 29 percent of the Gulf funds, or $42,499,566, would be made available for distribution to claimants who were injured by Gulf's alleged violations in its sales of refined petroleum products. For simplicity, our final refund procedures relating to alleged overcharges in Gulf's sales of crude oil and refined products have been split into two Decisions and Orders. The Decision and Order establishing refund procedures concerning Gulf's alleged refined product overcharges was issued on September 8, 1987. Gulf Oil Corp., 16 DOE ¶ 85,381 (1987) (Gulf). We did not receive any comments regarding our proposed allocation of 29 percent of the Gulf funds to the refined product proceeding. Accordingly, in *Gulf*, we adopted the proposed 71/29 percent allocation between crude oil and refined product monies. We have actively been disbursing refunds to Gulf refined product purchasers for a number of years based on that division of the funds.

[2] The DOE used $73,585,129 of the $104,050,661 in Gulf crude oil funds to pay entitlements receive order firms. This includes funds paid to Consumers Power Company. As of March 31, 1995, there was $45,815,755 in the Gulf account. We will return to the Gulf account the excess $13,026,674 that is currently in the DOE's Consumers Power Company escrow account. The funds in the Consumers Power escrow account are those remaining after the Agency's litigation with that firm was concluded. *See Consumers Power Co.* versus *DOE*, 3 Fed. Energy Guidelines ¶ 26,532 (1990). After the Consumers Power transaction, there will be a total of $58,842,429 in the Gulf account.

[3] The DOE Controller has indicated that the interest factor for the Gulf crude oil funds is $.79286517, as of March 31, 1995. This amount represents interest earned on each dollar of Gulf funds since the day of deposit into the Department of Treasury escrow account. To derive the amount of interest to be deposited into the escrow account for end users, we multiplied that interest factor by $20,810,132, the end users' 20 percent share.

[4] This amount includes a payment to State governments of $18,396,282 of principal from the Bank IV Escrow, pursuant to a June 26, 1987 Order of the United States District Court for the District of Kansas. See Stripper Well Exemption Litigation, 16 DOE ¶ 85,200 (1987). The States also received $17,492,250 of credit in the ''Federal Tilt'' formula, and a related $904,032. *Id.* at 88,387.

[5] Interest on the $57,019 Sage Creek payment is $45,208 (57,019 × .79286517 = 45,208).

[6] Procedures for filing crude oil overcharge refund claims are by now well-known. We will not reiterate them here.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5213–9]

Request for Nominations to the National Advisory Council for Environmental Policy and Technology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of request for nominations.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is inviting nominations of qualified candidates to consider for appointment to fill vacancies on its National Advisory Council for Environmental Policy and Technology (NACEPT). Nominations will be accepted until 5:00 p.m. on July 10, 1995.

ADDRESSES: Submit nominations to: Mr. Gordon Schisler, Acting Director, Office of Cooperative Environmental Management, U.S. Environmental Protection Agency, 1601–F, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon Schisler, Designated Federal Official for NACEPT, U.S. Environmental Protection Agency, 1601–F, Washington, DC 20460; telephone 202–260–9741.

SUPPLEMENTARY INFORMATION: NACEPT is a federal advisory committee under the Federal Advisory Committee Act, PL 92463. NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The Administrator has asked NACEPT to concentrate on how long-term ecological, economic, and social needs can be integrated to achieve a community-based approach to environmental management. Maintaining balance and diversity of experience, knowledge, and judgment is an important consideration in the selection of members.

The following three NACEPT committees were formed in FY'95 and

will continue to examine different aspects of the Agency's community-based approach to environmental protection in FY'96.

• The Information and Assessments Committee is examining the availability, access, and use of environmental information in support of a community-based approach to environmental protection, as well as examining current environmental assessment processes to determine success factors.

• The Implementation Tools Committee is evaluating opportunities for EPA to reorient the use of its existing statutory and regulatory authorities to integrate a community-based approach to environmental protection into the Agency's decision-making process.

• The Sustainable Economies Committee is examining the defining elements of sustainable economies and opportunities for harmonizing environmental policy, economic activity, and ecosystem management.

NACEPT comprises a representative cross-section of EPA's partners and constituents in order to gain insights and perspectives from all interested parties. As these committees continue their work and to maintain a good balance of capabilities on the committees, nominations for additional membership are being solicited for all committees and NACEPT's executive committee.

EPA is seeking nominees for representation from all sectors, especially state and local planning agencies, industry, tribal organizations, environmental NGOs, and community organizations currently engaged in community-based environmental protection.

Nominations for membership must include a resume and short biography describing the educational and professional qualifications of the nominee and the nominee's current business address and daytime telephone number.

Dated: May 18, 1995.

Gordon Schisler,

Designated Federal Official.

[FR Doc. 95–13373 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5213–6]

Public Water Supply Supervision Program; Program Revision for the State of Alaska

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Alaska is revising its approved State Public Water Supply Supervision Primacy Program. Alaska has adopted drinking water regulations for certain inorganic, volatile organic and synthetic organic chemicals (collectively known as the Phase II, Phase IIB and Phase V contaminants) and for lead and copper. EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions. By approving Alaska's Phase II/IIB/V Contaminants Rule and its Lead and Copper Rule, EPA does not intend to affect the rights of Federally recognized Indian tribes within ''Indian Country,'' as defined in 18 U.S.C. 1151, nor does it intend to limit existing rights of the State of Alaska.

All interested parties may request a public hearing. A request for public hearing must be submitted by July 3, 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 July 3, 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 own motion, this determination shall become final and effective July 3, 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 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 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:

Department of Environmental Conservation (DEC), 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801

DEC South Central Regional Office, 3601 C Street, Suite 1334, Anchorage, Alaska 99503

DEC Northern Regional Office, 1001 Noble Street, Suite 350, Fairbanks, Alaska 99701

DEC Pipeline Corridor Regional Office, 411 West 4th Avenue, Suite 2C, Anchorage, Alaska 99501

Environmental Protection Agency, Region 10 Library, 1200 Sixth Avenue, Seattle, Washington

FOR FURTHER INFORMATION CONTACT: Wendy Marshall, EPA, Region 10, Ground Water and Drinking Water Branch, at the EPA address given above, telephone (206) 553–1890.

Dated: May 16, 1995.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95–13369 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5213–9]

Gulf of Mexico Program Joint Issue and Operating Committee; Meetings

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Meetings of the Joint Issue and Operating Committees of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Joint Issue and Operating Committees will hold meetings at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas Lipka, Acting Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–3726.

SUPPLEMENTARY INFORMATION: Meetings of the Joint Issue and Operating Committees of the Gulf of Mexico Program will be held June 21 and 22, 1995, at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana. The committees will meet from 8:30 a.m. to 4:30 p.m. Agenda items will include: Continue Development of the Third Generation Action Agenda Process; Determine Projects to be Funded in FY96; and Finalize Process for Integration of Issue Committee Action Items into the Gulf of Mexico Program Environmental Challenges.

The meeting is open to the public.

Douglas A. Lipka,

Acting Director, Gulf of Mexico Program.

[FR Doc. 95–13367 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5214–1]

Gulf of Mexico Program Citizens Advisory Committee Meeting

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of meetings of the Citizens Advisory Committee of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Citizens Advisory Committee will hold a meeting at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas Lipka, Acting Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–3726.

SUPPLEMENTARY INFORMATION: A meeting of the Citizens Advisory Committee of the Gulf of Mexico Program will be held June 21–23, 1995, at the Marriott Hotel, 555 Canal Street, New Orleans, Louisiana. The committee will meet from 8:30 a.m. to 4:30 p.m. Agenda items will include: Assignment to GMP Issue Committees; Approval of March 31, 1995 Meeting Summary; Status of the 5-Year CAC Plan; Overview of the Gulf of Mexico Foundation; Gulf of Mexico Program FACA Issues; Update on Federal Agreement of Participation; Informational Presentation on Strategic Assessment; State Activity Reports; Issue Committee Meeting Report by CAC Representatives; and Program Office Report on Status of Projects and Action Items.

The meeting is open to the public.

Fred Koppler,

Acting Director, Gulf of Mexico Program.

[FR Doc. 95–13372 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5213–5]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104; Announcement of Public Dialogues on Urban Revitalization and Brownfields

AGENCY: Environmental Protection Agency.

ACTION: Notice of a change in meeting schedule.

On May 15, 1995, the Environmental Protection Agency (EPA) announced in the **Federal Register** that the National Environmental Justice Advisory Council's (NEJAC) and EPA will convene a series of public dialogues on environmental justice issues related to urban revitalization and brownfields (see 60 FR 25908). The purpose of this notice is to announce a change in the meeting to be held in Philadelphia, PA. The new meeting time will be on Wednesday, June 7, 1995 from 6:30 p.m.–8:30 p.m., at the Forty Sixth Street Baptist Church, 1261 S. 46th Street in Philadelphia, PA. For more information about the meeting in Philadelphia please contact Maurice Sampson at 215–686–9242 or Josie Matsinger (US EPA) at 215–597–3182.

FOR FURTHER INFORMATION CONTACT: NEJAC Waste Subcommittee: Charles Lee/212–870–2077 or Lillian Kawasaki/213–580–1046; US EPA: Jan Young/202–260–1691 or Katherine Dawes/202–260–8394.

Dated: May 24, 1995.

Janvier C. Young,

Designated Federal Officer, NEJAC Waste Subcommittee, Office of Solid Waste and Emergency Response.

[FR Doc. 95–13370 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5213–8]

Privacy Act; Telephone Call Detail Records

AGENCY: Environmental Protection Agency.

ACTION: Notice of new Privacy Act System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, the Environmental Protection Agency (EPA) is proposing to establish a new system of records entitled ''Telephone Call Detail Records—EPA/OIRM.''

EFFECTIVE DATE: This system of records shall become effective July 11, 1995 unless EPA receives written comments that result in a contrary determination.

ADDRESSES: Written comments should be addressed to the Chief, EPA Telecommunications Branch, MD–34, Research Triangle Park, N.C. 27711.

FOR FURTHER INFORMATION CONTACT: David A. Bittenbender, Chief, Telecommunications Branch, U.S. Environmental Protection Agency, MD–34, Research Triangle Park, N.C. 27711, (919) 541–0849.

SUPPLEMENTARY INFORMATION: The purposes of the Telephone Call Detail system of records are to aid in planning future Agency telecommunications needs and to control Agency telephone costs. In connection with the latter purpose, EPA may generate personally identifiable records retrievable by individuals' names or other personal identifiers. Records in the system will identify telephone calls billed to the Agency that were placed from Agency telephones by EPA employees, contractors, grantees, and other persons performing services on behalf of EPA. The records will be used to ensure compliance with laws prohibiting the use of appropriated funds for unofficial calls and to determine individual accountability for telephone usage. Telephone calls will not be monitored or recorded in connection with this system of records.

Dated: May 15, 1995.

John C. Chamberlin,

Assistant Administrator for Administration and Resources Management.

System Name

EPA Telephone Call Detail Records—EPA/OIRM.

Security Classification

None.

System Locations

(1) U.S. Environmental Protection Agency, National Data Processing Division, Research Triangle Park, NC 27711.

(2) Fifty-plus EPA facilities nationwide.

Categories of Individuals Covered by the System

EPA employees, contractors, grantees, and other persons performing services on behalf of the EPA who make telephone calls charged to EPA.

Categories of Records in System

Records relating to the use of Agency telephones to place telephone calls, records indicating the assignment of telephone numbers to personnel, and records indicating the location of telephones.

Authority for Maintenance of the System

31 U.S.C. 1348(b), which prohibits agencies from using appropriated funds to pay for personal telephone calls; 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions; and 41 CFR 201–38, which prohibits the personal use of Government long distance services.

Purpose

The purpose of this system of records is to aid EPA in planning its future telecommunications needs, and to control agency telephone costs by ensuring that EPA telephones are used for official purposes only and by determining individual accountability for telephone usage.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses

Records in this system may be disclosed:

1. To Members of Congress or a Congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

2. To Federal Government contractors, grantees, or volunteers who have been engaged to assist the Government in the performance of a contract, grant, cooperative agreement or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients are required to maintain the records in accordance with the requirements of the Privacy Act.

3. To a Federal agency that has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

4. To a Federal, State or local agency, where necessary, to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

5. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

6. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

7. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to requests for discovery.

8. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

9. To a telecommunications company and/or the General Services Administration who are providing telecommunications support to verify billing or perform other servicing to the account.

10. To EPA employees, contractors, grantees and other persons performing services on behalf of the Agency to determine their individual responsibility for telephone calls.

Disclosures to Consumer Reporting Agencies

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in System

Storage

System records are maintained on electronic media such as computer tapes and diskettes, and as hard-copy records.

Retrievability

Records are retrieved by originating and destination telephone numbers, responsible individuals, call date, call time, call duration, destination city and state, and calling charge.

Safeguards

Access to these records is limited to EPA employees, contractors, grantees, and other persons who are performing services on behalf of the EPA and have an official need for the records in the performance of their duties. EPA has established internal procedures governing the use, transfer, and photocopying of the records within the Agency. Hard-copy records are maintained in rooms that are locked during non-business hours. Automated records are protected from unauthorized access through password identification procedures and other system-based protection methods.

Retention and Disposal

Records are disposed of in accordance with the National Archives and Records Administration, General Records Schedule 12.

System Manager(s) And Address(es)

Chief, EPA Telecommunications Branch, MD–34, Research Triangle Park, N.C. 27711. A list of fifty-plus site-specific system managers is maintained by the EPA National Telecommunications Manager.

Notification Procedures

Any person wishing access to information in this system should provide the national or local system managers with his or her name, office, and current work telephone number, the telephone number(s) in question, and the time period for which the information is being sought. The system manager may require additional information to verify the identity of the requester.

Record Access Procedures

Same as Notification Procedures. In addition, please specify the records being requested.

Contesting Records Procedures

Same as Notification Procedures. In addition, please specify the correction being sought and the justification for the correction.

Record Source Categories

(1) EPA employees, contractors, grantees, and other persons who are performing services on behalf of the EPA, (2) EPA telephone assignment and Locator records, (3) GSA and other phone companies, and (4) EPA-owned Private Branch Exchange systems.

Systems Exempted From Certain Provisions of the Act

None.

[FR Doc. 95–13368 Filed 5–31–95; 8:45 am]
BILLING CODE 6560–50–P

[OPPTS–59346; FRL–4957–4]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of applications for test

marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TMEs 95–5, 6, 7, and 8. The test marketing conditions are described below.

DATES: This notice becomes effective May 19, 1995. Written comments will be received until June 16, 1995.

ADDRESSES: Written comments, identified by the docket number [OPPTS–59346] and specific TME number should be sent to: TSCA Nonconfidential Information Center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm., NEM–B607 (7407), 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by OPPTS–59346. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Vera Stubbs, New Chemicals Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, (202) 260–5671.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TMEs 95–5, 6, 7, and 8. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in this TME application, and within the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in this application. All other conditions and restrictions described in this application and in this notice must be met.

Inadvertently, notice of receipt of these applications were not published. Therefore, an opportunity to submit comments is being at offered this time. The complete nonconfidential document is available in the NCIC at the above address between 12 noon and 4 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TMEs 95–5, 6, 7, and 8. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and the date of manufacture.

2. The applicant must maintain records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

T–95–5, 6, 7, and 8

Date of Receipt: April 18, 1995. The extended comment period will close June 16, 1995.

Close of Review Period: June 1, 1995.

Applicant: Westvaco Corporation.

Chemical: Reaction products of maleated tall oil fatty acid, ethylene glycol ester, potassium salts with reaction products of fatty acids, tall oil with diethylenetriamine.

Use: Production, transportation, and processing petrochemical corrosion inhibitor.

Production Volume: Confidential.

Number of Customers: Confidential.

Test Marketing Period: One year, commencing on first day of commercial manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health and the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

A record has been established for this notice under docket number [OPPTS-59346] (including comments and data submitted electronically as described above.) A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, at the address above.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

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

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

List of Subjects

Environmental protection, Test marketing exemptions.

Dated: May 19, 1995.

Paul J. Campanella,

Chief, New Chemicals Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 95–13374 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5214–6]

Voluntary Environmental Self-Policing and Self-Disclosure Interim Policy Statement; Extension of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Public Comment Period.

SUMMARY: On April 3, 1995, EPA announced and requested comment on the Voluntary Environmental Self-Policing and Self-Disclosure Interim Policy Statement (60 FR 16875). In response to requests from all major stakeholder groups, EPA is extending the deadline for receiving comments from June 2, 1995 to June 30, 1995.

DATES: Comments must be received by EPA at the address below by June 30, 1995. The comment period will not be extended again.

ADDRESSES: Submit three copies of comments to the U.S. EPA Air Docket, Mail Code 6102, 401 M Street, SW, Washington, DC. 20460, attention: Docket #C–94–01. Additional documentation relating to the development of this interim policy is contained in the environmental auditing public docket. Documents from the docket may be requested by calling (202) 260–7548, requesting an index to docket #C–94–01, and faxing document requests to (202) 260–4400. Hours of operation are 8 a.m. to 5:30 p.m., Monday through Friday, except legal holidays.

Elaine G. Stanley,

Director, Office of Compliance, Office of Enforcement and Compliance Assurance.

[FR Doc. 95–13517 Filed 5–31–95; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by P.L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

Time and Place: Friday, June 16, 1995, at 9:30 a.m. to 12:00 noon. The meeting will be held at Ex-im Bank in Room 1143, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

Agenda: The meeting agenda will include a discussion of the following topics: Advisory Committee Comment on Competitiveness Report; Roundtable Discussion on ''Small Business Strategy''; and Next Steps and Other Topics.

Public Participation: The meeting will be open to public participation; and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Barbara Lane, Room 1112, 811 Vermont Avenue, N.W., Washington, D.C. 20571, (202) 565–3957, not later than June 15, 1995. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to June 9, 1995, Barbara Lane, Room 1112, 811 Vermont Avenue, N.W., Washington, DC 20571, Voice: (202) 565–3957 or TDD: (202) 565–3377.

FURTHER INFORMATION: For further information, contact Barbara Lane, Room 1112, 811 Vermont Avenue, N.W., Washington, D.C. 20571, (202) 565–3957.

Carol F. Lee,

General Counsel.

[FR Doc. 95–13578 Filed 5–31–95; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). Requests for information, including copies of the collection of information and supporting documentation, should be directed to Bruce A. Dombrowski, Deputy Managing Director, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1082, Washington, DC 20573, telephone number (202) 523–5800. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 582

FMC requests an extension of clearance for 46 CFR part 582, which implements section 10(b)(2) of the Shipping Act of 1984 provisions. The Act provides that no common carrier by water may rebate, refund, or remit any portion of its rates except in accordance with its tariffs or service contracts. Section 15(b) of the Act requires the chief executive officer of each common carrier and certain other persons designated by the Commission to file a periodic written certification that anti-rebating policies have been implemented. The Commission estimates that approximately 2100 NVOCCs, 500 VOCCs and 1800 freight forwarders will file anti-rebate certifications on each even-numbered year. Annual respondent burden for complying with the regulation is 2,200 manhours (½ hour per response). Estimated annual cost to the Federal Government is $5,700; estimated annual cost to respondents is $59,400.

Joseph C. Polking,

Secretary.

[FR Doc. 95–13313 Filed 5–31–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) 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 commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that the Board has determined is closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each 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.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 14, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A., Rabobank Nederland, Utrecht, The Netherlands (Notificant), to engage de novo through its subsidiary, Rabo Capital Services, Inc., New York, New York (Company), in intermediating in the international swap markets by acting as an originator and principal in interest rate swap and currency swap transactions; acting as an originator and principal with respect to certain risk-management products such as caps, floors and collars, as well as options on swaps, caps, floors and collars (Swap Derivative Products); acting as a broker or agent with respect to the foregoing transactions and instruments; and acting as an advisor to institutional customers regarding financial strategies involving interest rate and currency swaps and Swap Derivative Products. *See Long-Term Credit Bank of Japan, Limited*, 79 Federal Reserve Bulletin 345 (1993). Notificant proposes that Company engage in these activities throughout the world.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First Mariner Bancorp, Towson, Maryland; to engage *de novo* through its subsidiary, First Mariner Mortgage Corporation, Baltimore, Maryland, and thereby engage in originating, funding, brokering, servicing, selling and otherwise dealing in mortgages, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. State Banco, Ltd., Spirit Lake, Iowa; to engage *de novo* through its subsidiary, Parent Company of State Banco, Ltd., Spirit Lake, Iowa, in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–13359 Filed 5–31–95; 8:45 am]

BILLING CODE 6210–01–F

Northern Plains Investment, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have 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)).

Each 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 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 23, 1995.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Northern Plains Investment, Inc., Jamestown, North Dakota and North Star Holding Company, Jamestown, North Dakota (Bank); to increase their ownership of Stutsman County State Bank, Jamestown, North Dakota, as a result of a corporate reorganization. North Star will control 100 percent of Bank after the transaction.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Equity Bancshares, Inc., Mulhall, Oklahoma; to become a bank holding company by acquiring 96.6 percent of the voting shares of Oklahoma State Bank, Mulhall, Oklahoma.

Board of Governors of the Federal Reserve System, May 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–13360 Filed 5–31–95; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request For Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 050895 AND 051995

Name of acquiring person, name of acquired person, name acquired entity	PMN No.	Dated terminated
Mr. Keith Rupert Murdock, Thomas R. Galloway, ComCorp of Tennessee, Inc., and ComCorp of	95–1473	05/08/95

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 050895 AND 051995—Continued

Name of acquiring person, name of acquired person, name acquired entity	PMN No.	Dated terminated
Hanson PLC, Debra E. Francis, Patriot Coal Company, L.P.	95–1490	05/08/95
Dover Corporation, Mark Andy, Inc., Mark Andy, Inc	95–1510	05/08/95
Charterhouse Equity Partners, L.P., David Popowich, Regal Industries, Inc	95–1513	05/08/95
Charterhouse Equity Partners, L.P., Maury Popowich, Regal Industries, Inc	95–1514	05/08/95
CBS Inc., The Principal Mutual Impared Asset Trust 1991, Narragansett Television, L.P.	95–1515	05/08/95
New York Times Company, The Principal Mutual Impared Asset Trust 1991, Narragansett Television, L.P.	95–1516	05/08/95
Ernst & Young U.S. LLP, Kenneth Leventhal & Company, Kenneth Leventhal & Company	95–1517	05/08/95
Golder, Thoma, Cressey, Rauner Fund IV, L.P., Lawrence Davis, DavisVision, Inc	95–1518	05/08/95
Financial Holding Corporation, Louis J. Roussel, Jr., Victory Life Insurance Company	95–1519	05/08/95
Protection One, Inc., Alert Centers, Inc., Alert Centers, Inc	95–1520	05/08/95
General Electric Company, Global Compression Services, Inc., Global Compression Services, Inc	95–1523	05/08/95
Surgical Care Affiliates, Inc., Vivra Incorporated, Vivra Incorporated	95–1525	05/08/95
Southwestern Public Service Company, TNP Enterprises, Inc., TNP Enterprises, Inc	95–1526	05/08/95
Boston Ventures Limited Partnership IVA, Time Warner Inc., Six Flags Entertainment Corporation	95–1527	05/08/95
Boston Ventures Limited Partnership IV, Time Warner Inc., Six Flags Entertainment Corporation	95–1528	05/08/95
Vintage Petroleum, Inc., Texaco Inc., Texaco Exploration and Production Inc	95–1531	05/08/95
David H. Murdock, Dole Food Company, Inc., Dole Food Company, Inc	95–1533	05/08/95
Sun Healthcare Group, Inc., CareerStaff Unlimited, Inc., CareerStaff Unlimited, Inc	95–1534	05/08/95
Reptron Electronics, Inc., Western Micro Technology, Inc., Western Micro Technology, Inc	95–1539	05/08/95
Illinois Tool Works Inc., Don Curcio, United Silicone, Inc	95–1540	05/08/95
Philips Electronics N.V., The Regina Company (Debtor-in-Possession), The Regina Company (Debtor-in-Possession)	95–1541	05/08/95
Kenetech Corporation, Windpower Partners, Windpower Partners 1983–1 1983–1,	95–1543	05/08/95
Paxton Media Group, Inc., Thomas E. Worrell, Jr., Worrell Enterprises, Inc	95–1544	05/08/95
Peabody Trust, Urban Transportation Development, Bus Industries of America Inc., and BIA Parts, Inc	95–1545	05/08/95
American International Group, Inc., Royal Dutch Petroleum Company, Shell Consolidated Energy Resources, Inc	95–1546	05/08/95
Centex Corporation, Vista Properties Inc., Vista Properties, Inc	95–1547	05/08/95
Costilla Energy, L.L.C., Parker & Parsley Petroleum Company, Parker & Parsley Petroleum Company Assets	95–1548	05/08/95
American Industrial Partners Capital Fund, L.P., M.A. Hanna Company, Day International, Inc	95–1550	05/08/95
Apple South, Inc., The Marcus Corporation, Marcus Restaurants, Inc	95–1551	05/08/95
Aurora Equity Partners L.P., James R. Crane, Component Remanufacturing Specialists, Inc	95–1557	05/08/95
Physician Sales & Services, Inc., Taylor Medical, Inc., Taylor Medical, Inc	95–1560	05/08/95
Thorn Apple Valley, Inc., Doskocil Companies Incorporated, Doskocil Companies Incorporated	95–1568	05/08/95
Donald J. Trump, Chemical Banking Corporation, ACFH Inc	95–1286	05/10/95
Sumner M. Redstone, Discovery Zone, Inc., Discovery Zone, Inc	95–1530	05/10/95
US WEST, Inc., US WEST, Inc., Albucell Limited Partnership	95–1535	05/10/95
US WEST, Inc., GTE Corporation, GTE Corporation	95–1536	05/10/95
GTE Corporation, US WEST, Inc., US WEST, Inc	95–1542	05/10/95
Donald F. Dillon, FIserv, Inc., FIserv, Inc	95–1486	05/11/95
FIserv, Inc., Donald F. Dillon, Information Technology, Inc	95–1487	05/11/95
Fuji Heavy Industries Ltd., Polaris Industries Inc., Polaris Industries Inc	95–1508	05/11/95
SmithKline Beecham plc, Eastman Kodak Company, UPT Facility	95–1524	05/11/95
Edisto Resources Corporation, Convest Energy Corporation, Convest Energy Corporation	95–1399	05/12/95
Lincoln Telecommunications Company, Nebraska Cellular Telephone Corporation, Nebraska Cellular Telephone Corporation	95–1554	05/12/95
Illinois Tool Works Inc., Neal Houbolt, Jemco Engineering Co	95–1559	05/12/95
Hassie Hunt Trust, Apache Corporation, Apache Corporation	95–1561	05/12/95
Methanex Corporation, Methanex Corporation, Methanex Methanol Corporation's Assets	95–1564	05/12/95
Lincoln Telecommunications Company, CommNet Cellular, Inc., Nebwest Cellular, Inc	95–1565	05/12/95
MedE America Corporation, Welsh, Carson, Anderson & Stowe V. L.P., GENCC Holdings Corporation	95–1566	05/12/95
Welsh, Carson, Anderson & Stowe V. L.P., MedE America Corporation, MedE America Corporation	95–1567	05/12/95
People's Choice TV Corp., Preferred Entertainment, Inc., Preferred Entertainment, Inc	95–1573	05/12/95
John L. Macdonald, David J. Greenway, BTL Specialty Resins Corp	95–1580	05/12/95
Intelligent Electronics, Inc., The Future Now, Inc., The Future Now, Inc	95–1586	05/12/95
Time Warner Inc., Sony Corporation, The Music Sound Exchange Company	95–1588	05/12/95
Fleet Financial Group, Inc., Simonds Industries, Inc., Simonds Industries, Inc	95–1590	05/15/95
Charles H. Bundrant, NCS Seafoods Corporation (a newly formed corporation), NCS Seafoods Corporation (a newly formed corporation)	95–1591	05/15/95
Sisters of Mercy Health System, St. Louis, Inc., Adorers of the Blood of Christ, Province of Wichita, KS, St. Mary's Hospital of Enid, Oklahoma, Inc	95–1592	05/15/95
Ralph J. Roberts, Telephone and Data Systems, Inc. Voting Trust, United States Cellular Operating Co. of Vineland, Inc	95–1593	05/15/95
Nortek, Inc., Joe C. McKenzie, Rangaire Compan	95–1595	05/15/95
Norwest Corporation, The Ryland Group, Inc., The Ryland Assets	95–1597	05/15/95
Atlantic Equity Partners, L.P., Natural Country Farms, Inc., Natural Country Farms, Inc	95–1598	05/15/95
Indianapolis Life Insurance Company, Southwestern Life Corporation, Bankers Life Insurance Company of New York	95–1601	05/15/95
Alan H. Goldfield, Alan H. Goldfield, CellStar Corporation	95–1602	05/15/95
William K. Gayden, Parker & Parsley Petroleum Company, Parker & Parsley Producing L.P./Development L.P.	95–1603	05/15/95
John Hancock Mutual Life Insurance Company, The Mead Corporation, Cabin Bluff Management Company	95–1607	05/15/95
John Hancock Mutual Life Insurance Company, Scott Paper Corporation, Cabin Bluff Management Company	95–1608	05/15/95

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 050895 AND 051995—Continued

Name of acquiring person, name of acquired person, name acquired entity	PMN No.	Dated terminated
Time Warner Inc., Time Warner Inc., The Music Sound Exchange Company	95–1609	05/15/95
Harbour Group Investments III, L.P., Matthew*Warren Group, Inc., Matthew*Warren Group, Inc	95–1625	05/15/95
Carlisle Companies Incorporated, Gordon F. Thomsen, Trail King Industries, Inc	95–1569	05/16/95
Imperial Chemical Industries PLC, Grow Group, Inc., Grow Group, Inc	95–1574	05/16/95
Midwest Resources Inc., McLeod Inc., McLeod Inc	95–1583	05/16/95
IES Industries Inc., McLeod, Inc., McLeod, Inc	95–1584	05/16/95
The Sherwin-Williams Company, Grow Group Inc., Grow Group Inc	95–1618	05/16/95
Newell Co., Marshall S. Cogan, CHF Industries, Inc	95–1605	05/17/95
Illinois Tool Works Inc., Foamseal Inc., Foamseal Inc	95–1532	05/18/95
ConAgra, Inc., The Quaker Oats Company, Stokely-Van Camp, Inc	95–1571	05/18/95
Baptist Health Systems of South Florida, Inc., South Miami Health System, Inc., South Miami Hospital, Inc., SMH Homestead Hospital	95–1575	05/18/95
Charterhouse Equity Partners II, L.P., Masada Cable Partners, L.P., Masada Cable Partners, L.P.	95–1596	05/18/95
Coram Healthcare Corporation, Lincare Holdings, Inc., Lincare Holdings, Inc	95–1626	05/18/95

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of The Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–13362 Filed 5–31–95; 8:45 am]

BILLING CODE 6750–01–M

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, Pub. L. 100–175 as amended by Pub. L. 102–375, and Pub. L. 103–171, that the 1995 White House Conference on Aging Advisory Committee will hold a meeting on Wednesday, June 14, 1995, in Washington, DC. The general meeting will begin at 10:00 a.m. and end at approximately 12:00 noon. More specific information on the location for the meeting can be obtained by calling the telephone number given below.

The general meeting of the Committee shall be open to the public. The proposed agenda includes preparation of the proposed report of the Conference which is to be transmitted to the chief executive officers of the States by August 3, 1995.

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: May 25, 1995.

Fernando M. Torres-Gil,

Assistant Secretary for Aging.

[FR Doc. 95–13291 Filed 5–31–95; 8:45 am]

BILLING CODE 4130–02–M

Food and Drug Administration

[Docket No. 95N–0137]

Drug Export; Antibody to Hepatitis B Surface Antigen (Human) Ortho™ Antibody to HBsAg Elisa Confirmatory Test

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ortho Diagnostic Systems, Inc., has filed an application requesting approval for the export of the human biological product Antibody to Hepatitis B Surface Antigen (human) ORTHO™ Antibody to HBsAg ELISA Confirmatory Test to Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Cathy Conn, Center for Biologics Evaluation and Research (HFM–610), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–2006.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of human biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ortho Diagnostic Systems, Inc., 1001 US Hwy. 202, Raritan, NJ 08869, has filed an application requesting approval for the export of the human biological product Antibody to Hepatitis B Surface Antigen (human) ORTHO™ Antibody to HBsAg ELISA Confirmatory Test to Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Antibody to Hepatitis B Surface Antigen (human)

ORTHO™ Antibody to HBsAg ELISA Confirmatory Test is a third generation assay to be used to confirm the presence of Hepatitis B Surface Antigen (HBsAg) in specimens found repeatedly reactive in ORTHO™ Antibody to HBsAg ELISA Test System 3. The application was received and filed in the Center for Biologics Evaluation and Research on May 4, 1995, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 12, 1995, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: May 9, 1995.

James C. Simmons,

Acting Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 95–13295 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95N–0143]

Drug Export; PEG-L-Asparaginase

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Enzon, Inc., has filed an application requesting approval for the export of the human biological product PEG-L-asparaginase to The Federal Republic of Germany.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Cathy E. Conn, Center for Biologics Evaluation and Research (HFM–610), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–2006.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of human biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Enzon, Inc., 40 Kingsbridge Rd., Piscataway, NJ 08854, has filed an application requesting approval for the export of the human biological product PEG-L-asparaginase to The Federal Republic of Germany. PEG-L-asparaginase is an antineoplastic combination therapy for reinduction in the case of acute lymphatic leukemia (ALL) in childhood and adulthood in the case of patients with known hypersensitivity to ''native'' L-asparaginase. The application was received and filed in the Center for Biologics Evaluation and Research on May 15, 1995, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 12, 1995 and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: May 18, 1995.

James C. Simmons,

Acting Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 95–13411 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95N–0142]

Drug Export; Caverject Sterile Powder (Alprostadil for Injection) 20 Micrograms per Milliliter (μG/mL) Vials

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Upjohn Co. has filed an application requesting approval for the export of the human drug CAVERJECT Sterile Powder (Alprostadil for Injection) 20μg/mL vials to Sweden via Belgium.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Center for Drug Evaluation and Research (HFD–310), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20857, 301–594–3150.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public

participation in its review of the application. To meet this requirement, the agency is providing notice that The Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001–0199, has filed an application requesting approval for the export of the human drug CAVERJECT Sterile Powder (Alprostadil for Injection) 20µg/mL vials to Sweden via Belgium. The product is to be used for the treatment of erectile dysfunction. The application was received and filed in the Center for Drug Evaluation and Research on May 5, 1995, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by June 12, 1995, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: May 18, 1995.

Betty L. Jones,

Acting Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 95–13352 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95N–0124]

Medical Devices; Third Party Review of Selected Premarket Notifications; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop to discuss a proposed pilot program for third party review of selected premarket notifications. The purpose of the workshop is to provide information on the pilot program and to obtain public comments and suggestions that may help FDA refine its plans for third party review of selected premarket notifications. This workshop is one aspect of FDA's efforts in pursuit of the reinventing Government goals of the National Performance Review as well as the promotion and protection of the public health.

DATES: The workshop will be held on June 19, 1995, from 9 a.m. to 4:30 p.m. Submit written notices of participation by June 9, 1995. Participants and other persons who want to be heard must be present by 9 a.m. Submit written comments by July 7, 1995. There is no registration fee for this workshop. Interested persons are encouraged to register early because space is limited.

ADDRESSES: The workshop will be held at the Doubletree Hotel Rockville (formerly, the Holiday Inn Crowne Plaza), 1750 Rockville Pike, Rockville, MD. A limited number of overnight accommodations have been reserved at the Doubletree Hotel Rockville. Attendees requiring overnight accommodations may contact the hotel at 301–468–1100 and reference FDA meeting group GVL. Reservations will be confirmed at the group rate based on availability.

A registration form for the workshop may be obtained by contacting Sociometrics, Inc., 8300 Colesville Rd., Suite 550, Silver Spring, MD 20910, 301–608–2151 or 1–800–729–0890 (FAX 301–608–3542). Persons with disabilities who require special assistance to attend or participate in the workshop can be accommodated if advance notification is provided. If you have a disability that affects your attendance at, or participation in, this meeting, please contact Ed Rugenstein, Sociometrics, Inc., in writing and identify your needs. The availability of appropriate accommodations cannot be assured unless prior written notification is provided.

Written comments regarding the pilot program may be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Those persons who wish to make a presentation must submit a written notice of participation to the Dockets Management Branch (address above), identified with the docket number found in brackets in the heading of this document, including their name, address, telephone number, business affiliation, a brief summary of the presentation, and an estimate of the amount of time required to make their comments. FDA requests that individuals or groups having similar interests consolidate their comments and present them through a single representative. FDA may require joint presentations by persons with common interests.

Transcripts of the workshop will be available from the Freedom of Information Staff (HFI–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6310 or FAX 301–443–1726.

FOR FURTHER INFORMATION CONTACT: Eric J. Rechen, Center for Devices and Radiological Health (HFZ–402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2186, FAX 301–594–2977.

SUPPLEMENTARY INFORMATION:

I. Background

On April 6, 1995, FDA announced a limited pilot program to test the usefulness and practicality of third party review of medical devices. Under the proposed pilot, FDA will designate private sector organizations to review premarket notifications under section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act) (hereinafter referred to as 510(k)'s). This initiative will provide an alternative to FDA review and is one aspect of FDA's efforts in pursuit of the reinventing Government goals of the National Performance Review. FDA expects the pilot program will begin early in fiscal year 1996.

FDA's primary concern remains the promotion and protection of the public health. The proposed pilot will include checks and balances to ensure a high level of quality in the review of 510(k)'s.

II. Outline of the Proposed Third Party Review Pilot

At this time, FDA has not determined the final form of its pilot third party review process. The initial pilot program will be restricted to third party review, but not clearance, of 510(k)'s. During the pilot, the third party will make a recommendation to FDA. FDA will then make a decision based on the third party's documented review. The purpose of the pilot is to test the feasibility of third party review, including the willingness of qualified third parties to participate, and the quality and timeliness of third party reviews.

Industry participation in the pilot program will be voluntary. An applicant who does not wish to participate will be able to continue to submit 510(k)'s to FDA. The pilot will last 2 years, and will be evaluated by FDA in the second year.

FDA anticipates that the pilot program will be limited to FDA-designated class I and II devices that involve low-to-moderate risk. The pilot

will exclude 510(k)'s that require clinical data for a decision. Clear review criteria must also be available, in the form of FDA guidance documents, consensus standards, or other appropriate assessment tools. FDA has prepared a preliminary list of devices that may be included in the pilot (see section IV. of this document for information on obtaining a copy).

Third party review organizations will be individually accepted by FDA. FDA will establish and apply requirements covering personnel qualifications as well as controls over potential conflicts of interest. FDA believes it is essential that third party review organizations maintain adequate independence from the device industry. FDA is also considering additional safeguards to ensure the quality and impartiality of third party reviews. Among the safeguards being considered are: FDA examination, acceptance, and oversight of third party review organizations; provision of training and standard operation procedures for third parties; audits of third party reviews; having FDA personnel serve as on site advisors to third party review bodies; and database checks to track ongoing reviews.

FDA expects that applicants who submit a 510(k) to a third party during the pilot will pay a fee directly to the third party. FDA does not expect to take part in setting fees, but rather intends to leave this to be negotiated between the third party review organization and the applicant.

The full range of general controls (current good manufacturing practices (CGMP's), medical device reporting, prohibition against adulteration and misbranding, etc.) and, where appropriate, special controls (device tracking, postmarket surveillance, etc.) will be applicable to devices included in the pilot program.

III. Purpose and Tentative Agenda of the Workshop

The purpose of the workshop is to obtain public comments and suggestions that will help FDA refine its plans for a pilot program for third party review of selected 510(k)'s.

Joseph A. Levitt, Deputy Director for Regulations and Policy, Center for Devices and Radiological Health, FDA, will preside. Mr. Levitt will be assisted by other FDA officials.

FDA will open the workshop with a summary of the framework for the proposed pilot program. This presentation will provide information on the impetus, objectives, and scope of the proposed pilot program. Following FDA's presentation, other participants will make presentations. After reviewing the notices of participation, FDA will allocate the time available for presentations among those persons who properly file a written notice of participation. FDA will schedule each appearance and will notify each participant by mail or telephone of the time allotted to him or her and the approximate time his or her presentation is scheduled to begin. The full schedule will be available at the workshop and will subsequently be placed on file in the Dockets Management Branch under the docket number found in brackets in the heading of this document. Time permitting, the workshop will also include an opportunity for interested persons who did not submit a notice of participation to make brief statements or comments. The workshop will then proceed to a panel discussion of specific issues that FDA must resolve before third party reviews of 510(k)'s can begin. Among the topics to be discussed are the following: Which devices should be eligible for third party review; criteria for selection or acceptance of private sector organizations to perform reviews, including conflict of interest protections; safeguards necessary to ensure a fair and impartial review by a third party; and funding of third party reviews.

FDA is making available a list of specific topics for written comment and discussion at the workshop. (See section IV. of this document for information on how to obtain a copy.)

The workshop is informal, and the rules of evidence will not apply. No participant may interrupt the presentation of another participant. Only the presiding officer and panel members may question participants at the conclusion of their presentations.

IV. Obtaining Additional Information on the Workshop

Information on the June 19, 1995, workshop, including a more detailed listing of the topics and issues on which FDA is inviting comment and a list of the devices proposed for inclusion in the pilot, can be obtained from the Dockets Management Branch (address above) or by calling FDAs Facts-on-Demand system. The Facts-on-Demand system can be reached by calling 1–800–899–0381 or 301–827–0111 on a touch-tone phone. Follow the instructions provided, and request DSMA shelf number 150. The requested materials will be sent by FAX.

Dated: May 25, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–13294 Filed 5–26–95; 10:22 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

RIN 0905–ZA89

Program Announcement and Proposed Review Criteria for Grants for the Minority Faculty Fellowship Program for Fiscal Year 1995

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1995 Grants for the Minority Faculty Fellowship Program (MFFP) under the authority of section 738(b), title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408, dated October 13, 1992. Comments are invited on the proposed review criteria.

Approximately $210,000 will be available in FY 1995 for this program. It is anticipated that $210,000 will be available to support about five competing awards to schools and other eligible entities averaging $42,000 which will cover the cost of the following: stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member or $30,000, which ever is less, and tuition, fees and travel, where appropriate.

Purpose

The purpose of the MFFP is to increase the number of underrepresented minority faculty members in health professions schools, i.e., schools of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, health administration, clinical psychology, and other public or private nonprofit health or educational entities.

Specifically, these grant awards are intended to allow institutions an opportunity to provide a fellowship to individuals who have the potential for teaching, administering programs, or conducting research as faculty members. Institutions must demonstrate a commitment and ability to identify, recruit, and select underrepresented minorities in health professions. The institutions' training programs provide the fellows with the techniques and skills needed to secure an academic career including competence in: pedagogical skills, research methodology, development of research

grant proposals, writing and publication skills, and the ability to work with minority populations and provide health services to medically underserved communities. In addition, the fellows must work under the direct supervision of a senior level faculty member engaged in the disciplines mentioned above, and upon successful completion of the program would be assured a teaching position at the institution.

Period of Support

The period of Federal support will not exceed one year for each fellowship award to an applicant institution. However, a fellowship award to an individual recipient must be for a minimum of two years. The program does not contribute to the support of the fellow in the second year. The applicant institution (school) will be required to support the fellow for the second year at a level not less than the total of federal and institutional funds awarded for the first year.

Eligibility Requirements for the Applicant Institution

Eligible applicants for this program are schools of allopathic medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, health administration, clinical psychology, and other public or private nonprofit health or educational entities.

In addition, to receive a fellowship award, an applicant institution must demonstrate to the Secretary that it has the commitment and ability to:

* Identify, recruit and select individuals from underrepresented minorities in health professions who have the potential for teaching, administering programs, or conducting research at a health professions institution;

* Provide such individuals with the skills necessary to enable them to secure an academic career. Training may include: pedagogical skills, program administration, the design and conduct of research, grant writing, and the preparation of articles suitable for publication in peer reviewed journals;

* Provide services designed to assist such individuals in their preparation for an academic career, including the provision of mentors; and

* Provide health services to rural or medically underserved populations.

In Addition, the Applicant Institution Shall Agree to the Following Assurances

* Provide an assurance that the applicant institution will make available (directly through cash donations) $1 for every $1 of Federal funds received under the fellowship (Each fellowship must include a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member, or $30,000, whichever is less);

* Provide an assurance that institutional support will be provided for the individual for a second year at a level not less than the total amount of Federal and institutional funds provided in the year in which the grant was awarded;

* Provide an assurance that the fellowship recipient is from an underrepresented minority in the health professions; has at a minimum, appropriate advanced preparation (such as a master's or doctoral degree in a health profession) and special skills necessary to enable that individual to teach and practice;

* Provide an assurance that the recipient of the fellowship will be a member of the faculty of the applicant institution; and

* Provide an assurance that the recipient of the fellowship has not been a member of the faculty of any school at any time during the 18-month period preceding the date on which the individual submits a request for the fellowship.

Eligibility Requirements for the Fellows

Fellowship awards must be for two years, and are provided for an individual who meets the following criteria:

* Individual must be from an underrepresented minority in the health professions;

* Individual must have appropriate advanced preparation (such as a master's or doctoral degree in a health profession) and special skills necessary to enable that individual to teach and practice;

* Individual must not have been a member of the faculty of any school at any time during the 18-month period preceding the date on which the individual submits a request for the fellowship;

* Individual must have completely satisfied any other obligation for health professional service which is owed under an agreement with the Federal Government, State Government, or other entity prior to beginning the period of service under this program;

* Individual must be a U.S. citizen, noncitizen national, or foreign national who possesses a visa permitting permanent residence in the United States.

Breach of Fellowship Funds

The school will be required to return fellowship funds received if it fails to honor the terms of the fellowship award. Such sums must be paid within 1 year from the day the Secretary determines that the breach occurred. If payment is not received by the payment date, additional interest, penalties and administrative charges will be assessed in accordance with Federal Law (45 CFR 30.13).

National Health Objectives for the Year 2000

The Public Health Service urges applicants to submit work plans that address specific objectives of Healthy People 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. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service education programs and programs which provide comprehensive primary care services to the underserved.

Smoke-Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Proposed Review Criteria

The following criteria are proposed for review of applications for this program:

1. The extent to which the institution demonstrates that it has the commitment and ability to identify, recruit, and select underrepresented minority faculty, and its ability to provide health services to rural or medically underserved populations;

2. The extent to which the institution's training program will provide the fellow with the preparation, training and skills needed to secure an academic career. Training may include: pedagogical skills, program administration, grant writing and publication skills, research methodology

and development of research grant proposals, and community service abilities;

3. The degree to which the institution's senior faculty are involved in the training and preparation of fellows pursuing an academic career, and the potential of the institution to continue the program without Federal support beyond the approved project period; and

4. The extent to which the institution meets the eligibility requirements set forth in section 738(b) of the Public Health Service Act.

In determining awards, the Secretary will also take into consideration equitable distribution among health disciplines and geographic areas.

Additional Information

Interested persons are invited to comment on the proposed review criteria. The comment period is 30 days. All comments received on or before July 3, 1995 will be considered before the final review criteria are established. Written comments should be addressed to: Mr. William J. Holland, Acting Director, Division of Disadvantaged Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A–09, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Disadvantaged Assistance, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Application Requests

Requests for application materials and questions regarding grants policy and business management issues should be directed to: Ms. Diane Murray, Grants Management Specialist, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–6857 FAX: (301) 443–6343.

Completed applications should be returned to the Grants Management Branch at the above address.

If additional programmatic information is needed, please contact: Mr. Lafayette Gilchrist, Analysis and Evaluation Branch, Division of Disadvantaged Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A–09, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–3680 FAX: (301) 443–5242.

Paperwork Reduction Act

The application form for this program has been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB Clearance Number is 0915–0150.

Deadline Date

The deadline date for receipt of applications is July 14, 1995. Applications will be considered to be ''on time'' if they are either:

(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 request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications not accepted for processing will be returned to the applicant.

This program, Grants for the Minority Faculty Fellowship Program, is listed at 93.923 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: May 26, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–13424 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–15–P

HEALTH RESOURCES AND SERVICES ADMINISTRATION

Availability of Funds for the Nursing Education Loan Repayment Program for Service in Certain Health Facilities

AGENCY: Health Resources and Services Administration, PHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that approximately $2,025,000 will be available in fiscal year (FY) 1995 for awards under section 846 of the Public Health Service (PHS) Act to repay up to 85 percent of the nursing education loans of registered nurses who agree to serve for up to 3 years as nurse employees in certain health facilities.

The HRSA, through this notice, invites applications for participation in this loan repayment program. With these funds, the HRSA estimates that approximately 218 loan repayment awards may be made.

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. These programs will contribute to the Healthy People 2000 objectives by improving access to primary health care services through coordinated systems of care for medically underserved populations in both rural and urban areas. Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–01) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–01) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (telephone number: 202 783–3238).

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

DATES: To receive consideration for funding, individuals must submit their applications by September 1, 1995.

Applications shall be considered as meeting the deadline if they are either:

(1) received on or before the deadline date; or

(2) sent on or before the deadline and received in time for submission to the reviewing program official.

(Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

Late applications will not be considered for funding in FY 1995, but may be kept on file for consideration in FY 1996.

ADDRESSES: Application materials with a list of counties (parishes) with the greatest shortage of nurses may be obtained by calling or writing to: Joyce Washington, Acting Chief, Loan Repayment Programs Branch, Division of Scholarships and Loan Repayments, Bureau of Primary Health Care, HRSA, 4350 East-West Highway, 10th Floor, Bethesda, MD 20814, (301–594–4400). The 24-hour toll-free phone number is 1–800–435–6464 and the FAX number is (301) 594–4981. Completed

applications should be mailed to the same address. The application form has been approved under Office of Management and Budget (OMB) Number 0915–0140.

FOR FURTHER INFORMATION CONTACT: For further program information and technical assistance, please contact the Branch Chief at the above address, phone or FAX number.

SUPPLEMENTARY INFORMATION: Section 846 of the PHS Act provides that the Secretary will repay a portion of an individual's educational loans incurred for nursing education costs if that individual enters into an agreement with the Secretary to serve as a registered nurse for 2 or 3 years in a variety of eligible health facilities or in a health facility determined by the Secretary to have a critical shortage of nurses. For an individual who is selected to participate in this program, repayment shall be on the following basis:

(1) By the completion of the first year of agreed service, the Secretary will have paid 30 percent of the principal of, and interest on, the outstanding balance on each qualified loan as of the beginning date of service;

(2) By the completion of the second year of agreed service, the Secretary will have paid another 30 percent of the principal of, and interest on, the outstanding balance of each qualified loan as of the beginning date of service; and

(3) By the completion of a third year of agreed service, if any, the Secretary will have paid another 25 percent of the principal of, and interest on, the outstanding balance of each qualified loan as of the beginning date of service.

No more than 85 percent of the principal balance of any qualified loan which was unpaid as of the beginning date of service will be paid under this program.

Prior to entering an agreement for repayment of loans, other than Nursing Student Loans, the Secretary will require that satisfactory evidence be provided of the existence and reasonableness of the educational loans.

These loan repayment amounts are unrelated to any salary paid to the nursing education loan repayment recipient by the health facility by which he or she has been employed.

To be eligible to participate in this program, an individual must:

(1) Have received, prior to the start of service, a baccalaureate or associate degree in nursing, a diploma in nursing, or a graduate degree in nursing;

(2) Have outstanding educational loans for the costs of his/her nursing education;

(3) Agree to be employed full-time for not less than 2 years in any of the following types of eligible health facilities: an Indian Health Service health center; a Native Hawaiian health center; a public hospital (operated by a State, county, or local government); a community or migrant health center [Sections 330(a) and 329(a)(1) of the PHS Act]; a Federally Qualified Health Center receiving Sections 330 or 329 funding; a rural health clinic (Section 1861 (aa)(2) of the Social Security Act); or a public or nonprofit private health facility determined by the Secretary to have a critical shortage of nurses; and

(4) Plan to begin employment as a registered nurse no later than September 30, 1995.

Funding Preferences

As required under section 846, the Secretary will give preference to qualified applicants:

(1) Who have the greatest financial need; and

(2) Who agree to serve in the types of health facilities described in paragraph (3) above, that are located in geographic areas determined by the Secretary to have a shortage of and need for nurses.

Breach of Agreement

Participants in this program who fail to provide health services for the period specified in their agreements with the Secretary, shall be liable to the Federal Government for payments made by the Secretary during the service period pursuant to such agreement, plus interest on this amount at the maximum legal prevailing rate, payable within 3 years from the date the agreement with the Secretary is breached.

Waiver or Suspension of Liability

A waiver or suspension of liability may be granted by the Secretary if compliance with the agreement with the Secretary by the individual participant is impossible, or would involve extreme hardship to the individual, and if enforcement of the agreement with respect to the individual would be unconscionable.

Other Award Information

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, since payments to individuals are not covered. In addition, this program is not subject to the submission of a Public Health System Impact Statement.

The OMB Catalog of Federal Domestic Assistance number for this program is 93.908.

Dated: May 24, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–13353 Filed 5–31–95; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: June 13, 1995.

Time: 10:30 am to 1:00 pm.

Place: 6120 Executive Boulevard, Room 400C, Rockville, MD 20852.

Contact Person: Marilyn Semmes, Ph.D., Acting Chief, Scientific Review Branch, DEA, NIDCD, NIH, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda, MD 20892–7180, 301/496–8683.

Purpose/Agenda: To review and evaluate grant application.

The meeting, which will be conducted as a telephone conference call, will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: May 25, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–13340 Filed 5–31–95; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of

1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: University of Kansas, Lawrence, KS, PRT–677648

The applicant requests renewal of their permit to export and reimport endangered and threatened specimens already accessioned into the permittee's collection for scientific research.

Applicant: Dennis A. Smithback, Deerfield, WI, PRT–802847

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygarcus dorcas*) culled from the captive herd maintained by Pat F. Cawood, Gannahoek, Cradock, Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: National Museum of Natural History, Washington D.C., PRT–802845

The applicant requests a permit to import 5cc of blood samples from 10 Vancouver Island marmot (*Marmota vancouverensis*) within the Vancouver Canada, Island Region, for the purpose of enhancement of the survival of the species through scientific research.

Applicant: National Zoological Park, Washington D.C., PRT–802925

The applicant requests a permit to import one wild female Komodo Island monitor (*Varanus komodoenisi*) from Ueno Zoological Gardens, Tokyo, Japan for the purpose of enhancement of the survival of the species through propagation.

Applicant: J. Michael Allgood, Lafayette, CA, PRT–803098

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygarcus dorcas*) culled from the captive herd maintained by D. B. Pohl, ''Teafountain'', Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

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 420(c), 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 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 26, 1995.

Caroline Anderson,

Acting Chief Branch of Permits Office of Management Authority.

[FR Doc. 95–13396 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–55-p

Enforcement of the Migratory Bird Treaty Act on Machias Seal Island, Maine

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information.

SUMMARY: Machias Seal Island, a colonial seabird nesting site and rookery 10 miles off the coast of Maine, has become a popular attraction among bird enthusiasts and photographers during the breeding season from June 1 through July 31 of each year. Visitors to the Island who are not careful risk killing or injuring the birds or destroying their eggs in violation of the Migratory Bird Treaty Act. Whenever the number of visitors to the Island in a single day exceeds 30, the likelihood of killing or injuring the birds at the site or destroying their eggs increases substantially.

This notice presents the intention of the Fish and Wildlife Service (FWS) to closely scrutinize any visitation of the Island in excess of 30 people per day for potential enforcement action against individuals visiting or facilitating the visitation of the Island for the taking or killing of migratory birds. This policy is undertaken in cooperation with the State of Maine and the Canadian Wildlife Service (CWS) to protect migratory birds nesting on this island and prevent the destruction of migratory bird nests and nestlings associated with public access to the nesting Island, while still providing a unique opportunity for the public to visit and observe an important seabird rookery.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: A. Eugene Hester, Assistant Regional Director for Law Enforcement, telephone (413) 253–8274.

SUPPLEMENTARY INFORMATION:

Service Authority: The Migratory Bird Treaty Act (MBTA) was enacted in 1918 to implement the convention between the United States and Great Britain (on behalf of Canada) for the protection of migratory birds (16 U.S.C. 703–711 (1988 & Supp. 1992)). The MBTA prescribes criminal sanctions for the taking of migratory birds in the United States except as permitted by regulations published by the FWS (16 U.S.C. 703, see also 50 C.F.R. parts 20 and 21). The express language of the statute, as well as its legislative history confirms that the MBTA is a wildlife management statute that delegates broad discretionary power to the Federal government through the Secretary of the Interior (16 U.S.C. 712).

Justification: Visitors to the seabird rookery on Machias Seal Island present many risks to the birds found there. Young birds or eggs can be stepped on by visitors. The mere presence of humans near nesting birds can disrupt their breeding activities and the incubation of chicks and eggs. Adult birds also can be flushed from or discouraged from returning to the nests, exposing chicks and eggs to loss by exposure or predation. Actions that result in bird mortalities are unlawful and prohibited by the MBTA. The likelihood of disruption and the associated taking or killing of birds increases with the number of visitors to the Island. Human presence in excess of 30 people per day on Machias Seal Island has resulted in bird mortality. In contrast, the FWS believes that if no more than 30 people per day visit the Island, and do so in such a manner as to minimize the disturbance to nesting migratory birds, bird mortality should be minimal. The FWS will closely scrutinize any visitation of the Island in excess of 30 people per day, including the role of any who aid and abet in actions resulting in the taking or killing of migratory birds in violation of the MBTA, and take appropriate enforcement action. The FWS will also take appropriate enforcement action with respect to any taking or killing resulting from actions not consistent with reasonable attempts to minimize disturbance to migratory birds, without regard to the number of visitors to the Island.

Additional Information

Machias Seal Island, a migratory bird rookery located approximately 10 miles off the coast of Maine, is United States territory that is also claimed by Canada. In 1944, Canada designated the area as a Migratory Bird Sanctuary pursuant to the Canadian Migratory Birds Convention Act, as amended. Because the Island is one of the few areas in North America, where bird enthusiasts and photographers may actually visit a colonial seabird nesting site, visitor demand has increased substantially in

recent years. In order to protect the bird populations during the breeding season while still providing public access, CWS regulations have limited human visitor access to the island to 30 persons per day from June 1 through July 31 each year in recent years. In addition, this 30 person per day access has been further divided into 26 individuals per day from commercial tour boat landings (combined total for United States and Canadian tour boats) and 4 individuals per day from privately-owned boat landings. In 1993, the FWS first became involved with controlling human access to this island at the request of three United States companies. In 1993 and 1994, the FWS working with CWS, three United States tour boat companies, and one Canadian company developed landing schedules based on previous landing access by these companies to the Island during the June and July period. For 1995, the FWS and CWS propose a similar strategy for access by tour boat companies to the Island (up to 26 people per day for June and July by tour boats). This results in 31.6% of these tour boat landings being assigned to the one Canadian company, and 46.7% and 21.7% being assigned to two United States companies. The CWS stations a wildlife technician on Machias Seal Island during June and July of each year to monitor landings and visitor behavior. The FWS intends to periodically visit Machias Seal Island in 1995 to monitor landings and impacts upon migratory birds by these visits.

Cathy Short,

Acting Regional Director.

[FR Doc. 95–12897 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[AK–963–1410–00–P]

Notice for Publication F–14838–A; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Bethel Native Corporation for 40.00 acres. The lands involved are in the vicinity of Bethel, Alaska, and are located within T. 9 N., R. 71 W., Seward Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Tundra Drums. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until July 3, 1995, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Heather A. Coats,

Land Law Examiner, Branch of Southwest Adjudication.

[FR Doc. 95–13351 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–JA–P

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The supporting statement for a new form, MMS–4398, Notice of Intent to Take Oil and Gas Transportation and Processing Allowance, has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the new form and related explanatory material may be obtained by contacting Dennis Jones at (303) 231–3046. Comments and suggestions on the new form should be made directly to the Bureau Clearance Officer at the telephone number listed below, and to the OMB Paperwork Reduction Project, Washington, D.C. 20503, telephone (202) 395–7340.

Title: Supporting Statement for Notice of Intent to Take Oil and Gas Transportation and Processing Allowance.

Abstract: The Minerals Management Service (MMS) is amending its valuation regulations governing oil and gas transportation and processing allowances, particularly as they relate to forms filing requirements and associated sanctions for failure to file required forms on time. Because MMS has experienced numerous problems with administration of the allowance regulations, an Allowance Study Group composed of representatives from MMS, States and Tribes, and industry was formed to evaluate the current regulatory requirements. Based on the recommendations of the Study Group, MMS is amending its valuation regulations and has developed a new form, the Notice of Intent to Take Oil and Gas Transportation and Processing Allowance, Form MMS–4398. The new form will be used to notify MMS of a company's intention to take transportation and processing allowances. It will eliminate the need to report estimated allowances and other data and will reduce burden on the payor

Bureau Form Number: MMS–4398.

Frequency: Annually or during the year prior to claiming an allowance.

Description of Respondents: Oil and gas companies.

Estimated Average Completion Time: 30 minutes.

Annual Responses: 583.

Annual Burden Hours: 292.

Bureau Clearance Officer: Arthur Quintana (703) 787–1101.

Dated: May 10, 1995.

Donald T. Sant,

Acting Associate Director for Royalty Management.

[FR Doc. 95–13480 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act.

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1032–0090), Washington, DC 20503, telephone 202–395–7340.

Title: Production Estimate.

OMB approval number: 1032–0090.

Abstract: The collection is needed to provide data on mineral production for annual reports published by commodity for use by Government agencies, industry, education programs, and the general public. One publication is the ''Mineral Commodity Summaries,'' the

first preliminary publication to furnish estimates covering the previous year's nonfuel mineral industry.

Bureau form number: 6–1209–A and 6–1209–A–A.

Frequency: Quarterly and annually.

Description of respondents: Producers of industrial minerals and metals.

Estimated completion time: 15 minutes.

Annual responses: 3,802.

Annual burden hours: 951.

Bureau clearance officer: Alice J. Floyd, 202–501–9569.

Dated: May 9, 1995.

K.W. Mlynarski,

Chief, Division of Statistics and Information Services.

[FR Doc. 95–13376 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–53–M

National Park Service

National Register of Historic Places;Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 20, 1995. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127. Written comments should be submitted by June 16, 1995.

Carol D. Shull,

Keeper of the National Register.

Arizona

Maricopa County

Ammo Bunker (S–1007) (Williams Air Force Base MPS), SW of Alaska Dr., Williams AFB, Williams Air Force Base, 95000748

Ammo Bunker (S–1008), (Williams Air Force Base MPS), SW of Alaska Dr., Williams AFB, Williams Air Force Base, 95000759

Archeological Site No. AZ U:10:77(ASM), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000749

Archeological Site No. AZ U:10:20(ASU), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000750

Archeological Site No. AZ U:10:25(ASU), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000751

Archeological Site No. AZ U:10:60(ASM), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000752

Archeological Site No. AZ U:10:61(ASM), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000753

Archeological Site No. AZ U:10:65(ASM), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000754

Archeological Site No. AZ U:10:66(ASM), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000755

Archeological Site No. AZ U:10:68(ASM), (Hohokam and Euroamerican Land Use and Settlement Along the Northern Queen Creek Delta MPS), Address Restricted, Mesa vicinity, 95000756

Civil Engineering Maintenance Shop, (Williams Air Force Base MPS), Jct. of 11th and A Sts., NE corner, Williams AFB, Williams Air Force Base, 95000747

Demountable Hangar, (Williams Air Force Base MPS), North Apron, Williams AFB, Williams Air Force Base, 95000743

Flagpole, (Williams Air Force Base MPS), 10 St. between D and E Sts., Williams AFB, Williams Air Force Base, 95000744

Housing Storage Supply Warehouse, (Williams Air Force Base MPS), Jct. of 11th and A Sts., NW corner, Williams AFB, Williams Air Force Base, 95000746

Water Pump Station and Water Tower, (Williams Air Force Base MPS), Jct. of 12th and B Sts., NE corner, Williams AFB, Williams Air Force Base, 95000745

Arkansas

Logan County

American Legion Post No. 121, Legion Hut Rd., off AR 107, Paris vicinity, 95000758

Methodist Episcopal Church, South, 205 N. Elm St., Paris, 95000757

Florida

Brevard County

City Point Community Church, 3783 N. Indian River Dr., Cocoa, 95000731

Lee County

Terry Park Ballfield (Lee County MPS) 3410 Palm Beach Blvd., Fort Myers, 95000730

Sarasota County

Leech, Hilton, House and Amagansett Art School, 1666 Hillview St., Sarasota, 95000732

Georgia

Cherokee County

Woodstock Depot, 2 N. Main St. (GA 5), Woodstock, 95000736

Cobb County

Atlanta—Frasier Street Historic District, Atlanta and Frasier Sts. between GA 120 Loop and Dixie Ave., Marietta, 95000737

Grady County

Dickey—Birdsong Plantation, Meridian Rd., off GA 93 W of Beachton, Beachton vicinity, 95000741

Lamar County

Barnesville Commercial Historic District, Roughly bounded by College, Taylor and Market Sts. and the Central of GA RR tracks, Barnesville, 95000733

Peach County

Byron Historic District, Roughly, along the Central GA RR tracks from Jackson St. to Vinson St. including Boulevard, Main, Church and Academy Sts, Byron, 95000739

Polk County

Rockmart Woman's Club, N. Marble St., Rockmart, 95000738

Stewart County

Green Grove Church, School, and Cemetery, Old Lumpkin-Eufaula Rd., Lumpkin, 95000734

Toombs County

Leader-Rosansky House, 403 Jackson St., Vidalia, 95000735

Ware County

Barber, Obediah, Homestead, Off Swamp Rd. approximately 7 mi. S of Waycross, Waycross vicinity, 95000742

Kansas

Riley County

Wharton, E. A. and Ura, House, 608 Houston St., Manhattan, 95000740

Maine

Aroostook County

Frenchville Railroad Station and Water Tank, 308 US 1, Frenchville, 95000723

Gray Memorial United Methodist Church and Parsonage, 8 Prospect St., Caribou, 95000725

Cumberland County

First Parish Congregational Church, 135 Main St., Yarmouth, 95000728

Hancock County

Saint Saviour's Episcopal Church and Rectory, 41 Mt. Desert St., Bar Harbor, 95000729

Sorrento Library, Waukeag Ave. S side, 0.5 mi. W of jct. with ME 185, Sorrento, 95000724

West Brooksville Congregational Church, ME 176 E side, 1 mi. NW of jct. with Varnum Rd., West Brooksville, 95000727

Penobscot County

North Newport Christian Church, Jct. of ME 222 and Pratt Rd., NE corner, North Newport, 95000726

New York

Suffolk County

St. Paul's Episcopal Church Complex, 31 Rider Ave., Patchogue, 95000722

Ohio

Butler County

Hamilton Historic Civic Center, Roughly bounded by Market St., High St., Court St., and Monument Ave., including High-Main St. Bridge, Hamilton, 94000170

[FR Doc. 95–13312 Filed 5–31–95; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–43 (Sub-No. 168X)]

Illinois Central Railroad Co.—Abandonment Exemption—in Hinds County, MS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the regulatory requirements of 49 U.S.C. 10903–04 the abandonment by Illinois Central Railroad Company of 2.7 miles of rail line, between milepost NN–178.50 at Elton and milepost NN–181.21 at Jackson, in Hinds County, MS, subject to a public use condition, a historic preservation condition, and the standard employee protective conditions. The Commission also issues a notice of interim trail use.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on July 1, 1995. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by June 12, 1995. Petitions to stay must be filed by June 16, 1995. Requests for a public use condition must be filed by June 21, 1995. Petitions to reopen must be filed by June 26, 1995.

ADDRESSES: Send pleadings referring to Docket No. AB–43 (Sub-No. 168X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW, Washington, DC 20423; and (2) Miles L. Tobin, Esq., 455 North Cityfront Plaza Drive, Chicago, IL 60611–5504.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, Room 2229, 1201 Constitution Avenue, NW, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721].

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–13279 Filed 5–31–95; 8:45 am]

BILLING CODE 7035–01–P

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95–39; Exemption Application No. D–09358, et al.]

Grant of Individual Exemptions; NCNB Real Estate Fund, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

NCNB Real Estate Fund (the Fund), NationsBank Pension Plan, NationsBank Retirement Savings Plan Located in Charlotte, North Carolina; Exemption

[Prohibited Transaction Exemption 95–39; Exemption Application Nos. D–09358, D–09359 and D–09360, respectively]

Based on the facts and representations set forth in the application, the Department and the Service have determined to grant the following exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, August 10, 1990) and Revenue Procedure 75–26, 1975–1 C.B. 722.

Section I: Covered Transactions

1. The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale (the Sale) of units in the Fund (Units) by plans participating in the Fund (the Plans) pursuant to an Option election made available by NationsBank, N.A. (Carolinas) (the Bank), to a standby trust (the Standby Trust) established and maintained by NationsBank, Corporation (the Holding Company), a party in interest with respect to the Plans. This exemption is subject to the conditions set forth in Section II.

2. The restrictions of sections 406(a)(1)(D), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (D) and (E) of the Code shall not apply to any decision by the Bank to sell a property held by the Fund to a third party, and jointly owned by the Plans and the Holding Company, provided that: each Plan receives no less than fair market value for its interest in the property; and

the Independent Fiduciary approves the reasonableness and propriety of the sale of the property.

Section II: Conditions

(a) The properties held by the Fund (the Properties) shall be appraised by an independent and qualified appraiser within twelve months and updated within fifteen days before the Settlement Valuation Date.

(b) The Plans selling Units pursuant to the Options will receive a price equal to the value of each Unit sold based on the value of the Fund as of the Settlement Valuation Date (the Unit Purchase Price) plus the Interest Amount which will be calculated by the Bank and reviewed and approved by the Independent Fiduciary who has been retained to represent the interests of the Plans with respect to the Sale and the subsequent activities of the Fund related to the Fund's liquidation.

(c) Plans selling Units pursuant to Options 1 or 2 will receive the Unit Purchase Price plus the Interest Amount for each Unit sold on the settlement date (Settlement Date) which will be no more than 120 days after the Settlement Valuation Date.

(d) If Options 2 or 4 are elected, the Plans involved will receive the final payment, if any, within sixty days after the two year anniversary of the Settlement Valuation date for Option 2, or the date of complete liquidation of the Fund for Option 4.

(e) Prior to the Settlement Valuation Date, the Bank will provide each Plan with written information regarding the terms of the Sale. Such information includes, but is not limited to:

(i) notice that each Plan will be entitled to elect one or more Options which will permit the Plan to sell all or part of its Units to the Stand-by Trust, or to continue to hold all or part of its Units in the Fund until the Fund's liquidation is complete, provided that if multiple Options are elected they must be uniform with respect to the grant, or failure to grant, a Release to the Bank,

(ii) a description of each Option,

(iii) the date by which a Plan must elect an Option (Option Election Date), and

(iv) forms for electing the Options.

(f) Except for Plans with respect to which the Bank or any of its Affiliates is an employer, the decision whether to authorize the Independent Fiduciary to make an Option election on behalf of the Plan will be made by a fiduciary independent of the Bank and its Affiliates and the Independent Fiduciary.

(g) The Bank and any Affiliate which is an employer with respect to a Plan will authorize the Independent Fiduciary to choose among all of the Options.

(h) A Plan's Option election will be made by a Plan fiduciary who is independent of the Bank and its Affiliates or by the Independent Fiduciary.

(i) The Independent Fiduciary's duties and responsibilities are set forth in the Independent Fiduciary Agreement between the Independent Fiduciary and the Bank dated April 1, 1994 and amended by the First Amendment thereto dated September 1, 1994. These duties and responsibilities include such activities as:

(1) Reviewing and determining whether to rely on the appraisals of the Properties;

(2) Ordering a new appraisal to the extent it deems necessary in cases in which it has determined that an existing appraisal cannot be relied upon;

(3) Reviewing and approving all of the relevant disclosures, written explanations, and forms furnished to the Plans by the Bank;

(4) Furnishing certain information to an independent Plan fiduciary, in advance of any date by which the independent Plan fiduciary is required to respond in order to authorize the Independent Fiduciary to make a decision on behalf of the Plan. Such information includes, but is not limited to:

(i) the Unit Purchase Price;

(ii) a description and explanation of the Options;

(iii) dates by which the Plans must act in order to make Option elections and authorize the Independent Fiduciary to make Option elections on behalf of the Plan;

(iv) information summarizing: the effect of failing to authorize the Independent Fiduciary to make Option elections on behalf of the Plan, the effect of failing to make an Option election after informing the Independent Fiduciary that the independent Plan fiduciary would make the decision to select an Option election, and the availability and effect of the different Option election authorizations which the Plan may provide to the Independent Fiduciary, in language calculated to be reasonably understood by the average independent Plan fiduciary responsible for making decisions on behalf of a Plan with regard to Units of the Fund held by the Plan;

(5) making Option elections on behalf of any Plan if: (a) the Bank or any of its Affiliates is an employer with respect to the Plan; (b) the independent Plan fiduciary authorizes the Independent Fiduciary to make Option elections on behalf of that Plan; or (c) the independent Plan fiduciary fails to make an option election prior to the Option Election Date;

(6) providing certain assistance regarding the four Options, to those independent Plan fiduciaries who wish to make their own Option elections;

(7) reviewing and determining whether to approve the Unit Purchase Price as of the Settlement Valuation Date, and the value of a Unit in the Fund as of two years from the Sale of the Units by the Plans to the Standby Trust (for purposes of determining the amount which is due to those Plans electing Option 2);

(8) reviewing and determining whether to approve the Interest Amount payable to any Plan which elected either Option 1 or 2;

(9) exercising its veto authority with regard to the proposed Unit Purchase Price, Interest Amount, or value of Fund Units pursuant to Option 2, which it has determined not to approve;

(10) monitoring, by attending the Bank's Trust Real Estate Investment Committee's quarterly meetings, the Bank's efforts to dispose of the Properties during the liquidation of the Fund;

(11) approving the reasonableness and propriety of sales of the Properties during the period in which the Standby Trust owns units in the Fund.

(j) The Independent Fiduciary may be removed by a majority vote of the Plans ''for cause.''

(i) The term ''for cause'' shall mean that there must be sufficient and reasonable grounds for removal and the grounds must be related to the ability and fitness of the Independent Fiduciary to perform his required duties.

(ii) Each Plan's vote for or against removal will be proportionate to its ownership interest in the Fund exclusive of Units owned by the Standby Trust.

(k) The Bank and the Holding Company will be bound by the decisions and determinations made by the Independent Fiduciary.

(l) The Bank will continue its efforts, with due diligence to liquidate the Fund.

(m) Any distributions made by the Fund will be made pro rata, in cash.

(n) Any payment made pursuant to any of the Options will be made in cash.

(o) The Independent Fiduciary is responsible for taking reasonable steps consistent with its duties and responsibilities hereunder to monitor compliance with the terms and conditions of the exemption at all times.

Section III: Definitions

For purposes of this exemption:

(a) Affiliate of the Bank includes:

(1) Any person directly or indirectly through one or more intermediaries controlling, controlled by, or under common control with the Bank;

(2) Any officer, director or employee of the Bank, or of a person described in paragraph (a)(1) of Section II; and

(3) Any partnership in which the Bank is a partner;

(b) Control means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) Affiliate of the Independent Fiduciary includes:

(1) Any person directly or indirectly through one or more intermediaries controlling, controlled by, or under common control with the Independent Fiduciary;

(2) Any officer or director of the Independent Fiduciary (where the Independent Fiduciary is other than a partnership);

(3) Any partner in the Independent Fiduciary with the authority to make, or who actually makes, fiduciary decisions which are within the scope of the Independent Fiduciary's duties and responsibilities under this exemption, or who holds a five percent (5%) or greater interest in the Independent Fiduciary;

(d) Independent Fiduciary means a person who:

(1) Is not an Affiliate of the Bank as defined in Section III(a);

(2) does not have an ownership interest in the Bank or its Affiliates;

(3) is not a corporation or partnership in which the Bank or any of its Affiliates has an ownership interest;

(4) is not a fiduciary with respect to any of the Plans other than in connection with the transactions described in this exemption;

(5) has acknowledged in writing acceptance of fiduciary responsibility;

(6) is either:

(i) A business organization which has at least (5) years of experience with respect to commercial real estate investments or other relevant experience;

(ii) a committee comprised of three to five individuals who each have at least five (5) years of experience with respect to commercial real estate investments or other relevant experience; or

(iii) a committee comprised both of a business organization or organizations and individuals having the qualifications described in paragraphs (d)(1) through (6)(ii) above.

(7) An individual acting in a fiduciary capacity with respect to the Fund on behalf of, and at the direction of, an Independent Fiduciary meeting the conditions of paragraphs (d)(1) through (6)(iii) above shall be considered an Independent Fiduciary.

For purposes of this definition, no organization or individual may serve as an Independent Fiduciary for the Fund for any fiscal year, if the gross income received by such organization or individual (or by any partnership or corporation of which such organization or individual is an officer, director, or ten percent (10%) or more partner or shareholder) from the Bank, or any Affiliate, for that fiscal year exceeds five percent (5%) of its or his annual gross income from all sources for the prior fiscal year. If such organization or individual has no income for the prior fiscal year, the 5% limitation shall be applied with reference to the fiscal year in which such organization or individual serves as an independent fiduciary. The income limitation will include income received for services rendered to the Plans and the Fund as Independent Fiduciary, as described in this exemption.

In addition, no organization or individual who is an Independent Fiduciary or an Affiliate of such Independent Fiduciary, and no partnership or corporation of which such Independent Fiduciary is an officer, director, or ten percent (10%) or more partner or shareholder with the authority to cause such corporation or partnership to engage in the following transactions, or who exercises such authority in conjunction with others, may:

(1) Acquire any property from, sell any property to, or borrow any funds from, the Bank, its Affiliates, or any collective investment vehicle or separate trust maintained or advised by the Bank or its Affiliates, during the period that such organization or individual serves as an Independent fiduciary and continuing for a period of six (6) months after such organization or individual ceases to be an Independent Fiduciary; or

(2) Negotiate any such transaction, described above in paragraph (1) above during the period that such organization or individual serves as Independent Fiduciary.

No Plan fiduciary or sponsor of a Plan or a designee of such Plan fiduciary, sponsor or Plan may serve as the Independent Fiduciary with respect to the Fund.

(e) Option(s) means the following:

Option 1: A Plan will accelerate the liquidation of its investment in the Fund by selling each of its Units subject to this Option to the Standby Trust for an amount equal to the Unit Purchase Price plus the Interest Amount. A Plan electing this Option will reserve all rights it may have with respect to the Fund, the Bank and other appropriate persons. However, with respect to a participant directed account Plan, the Plan sponsor and an authorized independent Plan fiduciary will provide a Release to the Fund, the Bank and other appropriate persons without any affect on the rights of the participants or beneficiaries regarding the matters covered by the Release.

Option 2: A Plan will accelerate the liquidation of its investment in the Fund by selling each of its Units subject to this Option to the Standby Trust for an amount equal to the Unit Purchase Price plus the Interest Amount. In addition, the Bank will pay promptly following the second anniversary of the Settlement Valuation Date, an amount equal to the excess, if any, of (A) the sum of (1) the value that the Unit would have had at the Valuation Date two years after the Settlement Valuation Date if such Unit had not been sold, plus (2) the amount of any distributions made with respect to such Unit during such two year period, over (B) the Unit Purchase Price plus the Interest Amount. The Bank will pay Litigation Expenses to the Plan, if any. Under this Option, a Plan will release the Fund, the Bank and other appropriate persons with respect to all matters relating to the investment in the Fund occurring prior to the Sale.

Option 3: A Plan will continue its investment in the Fund through the end of the liquidation process. Under this Option, a Plan reserves all rights with respect to the Fund, the Bank and all other appropriate persons. However, with respect to a participant directed account Plan, the Plan sponsor and an authorized independent Plan fiduciary will provide a Release to the Fund, the Bank and other appropriate persons without any affect on the rights of the participants or beneficiaries regarding the matters covered by the Release.

Option 4: A Plan will continue its investment in the Fund through the end of the liquidation process. For a Plan electing this Option, the Bank will agree to pay promptly following the completion of the liquidation of the Fund, with respect to each Unit subject to this Option, an amount equal to the excess, if any, of the (i) the value of a Unit on September 28, 1990 over (ii) the value of all distributions made to the Plan with respect to such Unit since September 29, 1990 and during the liquidation of the Fund. The Bank will also pay Litigation Expenses to the Plan, if any. Plans electing this Option will

release the Fund, the Bank and other appropriate persons with respect to all matters related to the investment in the Fund occurring prior to the Sale.

(f) Unit Purchase Price means the amount which is calculated by dividing the value of all of the assets of the Fund, as reviewed and approved by the Independent Fiduciary, by the total number of units in the Fund.

(g) Interest Amount means the amount approved by the Independent Fiduciary, equal to the net income earned on a Fund unit during the period commencing on the Settlement Valuation Date and ending on the day immediately preceding the Settlement Date, exclusive of realized or unrealized appreciation or depreciation.

(h) Settlement Valuation Date means the date on which the value of the Fund will be determined by the Bank in order to establish the Unit Purchase Price in connection with the Sale. The Settlement Valuation Date will be the last business day of the calendar month following the calendar month in which final prospective approval will be granted by the Office of the Comptroller of the Currency subsequent to the final grant of this exemption and approval of the transaction which is the subject of this exemption by the Federal Reserve Board.

(i) Litigation Expenses means the out-of-pocket expenses of litigation instituted before November 24, 1992 by or on behalf of a Plan against the Bank or the Fund with respect to the Plan's investment in the Fund exclusive of any expense of litigation with respect to a case which has proceeded to trial, or with respect to which there is a judgment against the Bank or the Fund, prior to the Option Election Date, plus interest. The total amount of Litigation Expenses, the rate of interest and the period for which interest is paid must be agreed to in writing between the Bank and the Plan prior to the Plan's election of Options 2 or 4. However, in the event there has never been a written settlement agreement specifying the amount of Litigation Expenses, prior to the date on which the Plan elects Option 2 or 4, Litigation Expenses will be the amounts requested by the Plan, unless such expenses are unreasonable.

(j) Option Election Date means the date as communicated to the Plans, at least Ninety (90) days subsequent to the Settlement Valuation Date and at least sixty (60) days subsequent to the completion of the mailing of the general post Settlement Valuation Date disclosure to all of the Plans by the Independent Fiduciary, on or prior to which a Plan must submit its Option election forms to the Bank.

(k) Settlement Date means the date, no more than 120 days after the Settlement Valuation Date, on which the transfer of the Units to the Standby Trust and delivery of Releases to the Bank will be effected pursuant to the Options.

(l) Release means a release covering activities and transactions in connection with the Fund prior to, and during, the Fund's liquidation, but in no case shall be effective on or after the Settlement Date. In this regard, the Release does not cover activities and transactions necessary to comply with the exemption, the conditions of the exemption, and the material representations made in connection therewith, which form the basis for the Department's decision to grant the exemption for the Sale and subsequent dispositions of properties owned by the Fund.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and requests for a hearing on the proposed exemption within 30 days of the date of publication of the Notice in the **Federal Register** on March 20, 1995.

During the comment period, the Department received no requests for a hearing. However, the Department received four comment letters; one from a person who appears to represent an employee benefit plan invested in the Fund, one from the Bank, and two from Arthur Anderson, the Independent Fiduciary.

The comment on behalf of Drs. Auman, Anderson & Munt, who appear to represent an employee benefit plan invested in the Fund, favored the liquidation of the plan's interest in the Fund.

The comment from the Bank dated March 30, 1995, states that the name of the applicant has been changed from ''Nations Bank of North Carolina, N.A.'' to NationsBank, N.A. (Carolinas). The Department concurs.

The comment letter from Arthur Andersen dated, May 1, 1995, as well as a second letter clarifying certain comments in the first letter, requested certain modifications and clarifications of the conditions of the exemption and certain revisions of the language of the Summary of Facts and Representations in the Notice (SFR). Arthur Andersen's comments are as follows:

First, Arthur Andersen requests modification of the condition contained in Section II(i) on page 14781 of the Notice. A list of activities follows the language, ''[t]he Independent Fiduciary's duties and responsibilities include, but are not limited to,'' which appears at the beginning of paragraph (i). Arthur Andersen suggests replacing the quoted language with the following language: ''[t]he Independent Fiduciary's duties and responsibilities are set forth in the Independent Fiduciary Agreement between the Independent Fiduciary and the Bank dated April 1, 1994, and amended by the First Amendment thereto dated September 1, 1994. These duties and responsibilities include such activities as.'' Arthur Andersen states that this change would clarify that Section II(i) is meant to describe the terms of the Agreement which the parties should look to in order to determine the specific scope of Arthur Andersen's responsibilities. The Department concurs.

Second, the condition contained in Section II(i)(1) on page 14781 of the Notice states that the Independent Fiduciary's duties include ''reviewing and determining whether to approve appraisals of the Properties.'' Arthur Andersen suggests replacing the word, ''approve,'' with the words, ''rely on.'' Arthur Andersen explains that its role is limited to reviewing the appraisals to determine whether they can reasonably be relied upon as the basis for establishing the Unit Purchase Price. The Department concurs.

Further, the third sentence of item 9 of the SFR on page 14785 of the Notice states that ''[t]he Independent Fiduciary will review and approve the qualifications of the appraisers and their technical analyses and methodologies employed.'' Arthur Andersen states that it will not approve the professional qualifications of the appraisers, but rather will evaluate and consider their qualifications in the course of its review of the appraisals. The Department concurs.

Moreover, the fourth sentence of item 9 of the SFR on page 14785 states that ''[a]s part of this approval process, the Independent Fiduciary will determine whether such appraisals are reasonable and adequate to establish the fair market value of the Properties.'' Arthur Andersen states that it would be more accurate to say that the Independent Fiduciary will determine to what extent such appraisals provide a reasonable basis for such purpose. Arthur Andersen explains that it's role will be limited to reviewing the appraisals to determine whether they can reasonably be relied upon as a basis for establishing the Unit Purchase Price, rather than approval of the underlying appraisals. The Department concurs.

In addition, the fourth sentence of the second paragraph of item 9 of the SFR

on page 14785 states that ''[f]urther, if the Independent Fiduciary believes that the Unit Purchase Price proposed by the Bank is not accurate, the Independent Fiduciary has the authority to order the Bank to recalculate the Unit Purchase Price.'' Arthur Andersen suggests that the quoted language above should be replaced with the following language: ''[f]urther, if the Independent Fiduciary cannot approve the Unit Purchase Price proposed by the Bank, the Independent Fiduciary has the authority to order the Bank to recalculate the Unit Purchase Price.'' Arthur Andersen explains that the word, ''accurate,'' is not the appropriate term to use, because the property values will be based on a range of reasonableness. The Department concurs.

Third, the condition contained in Section II(i)(2) on page 14781 of the Notice states that the Independent Fiduciary is responsible for ''[o]rdering a new appraisal in cases in which it has determined not to approve an existing appraisal.'' Arthur Andersen suggests that the quoted language above be replaced with the following language: ''[o]rdering a new appraisal to the extent it deems necessary in cases in which it has determined that an existing appraisal cannot be relied upon.'' Arthur Andersen explains that this revision would make this condition consistent with the above described revision it proposes for the first sentence in Section II(i) of the conditions. The Department concurs.

Fourth, the condition contained in Section II(i)(3) on page 14781 of the Notice states that the Independent Fiduciary is responsible for ''[r]eviewing and approving all of the disclosures, written explanations, and forms furnished to the Plans by the Bank.'' Arthur Andersen states that the word, ''relevant,'' should be inserted before the word, ''disclosures.'' In this regard, Arthur Andersen explains that it will review and approve materials only insofar as they are relevant to Arthur Andersen's duties and responsibilities in connection with the Option election process. Other communications by the Bank to the Plans would be outside the scope of Arthur Andersen's role under the exemption. Arthur Andersen believes this is particularly appropriate since the Bank may engage in a number of communications to the Plans during the liquidation period which are unrelated to the exemption or the Independent Fiduciary's role. The Department concurs.

Fifth, the condition contained in Section II(i)(4) on page 14781 of the Notice states that the Independent Fiduciary is responsible for ''[f]urnishing information to an independent Plan fiduciary, in advance of any date by which the independent Plan fiduciary is required to respond in order to authorize the Independent Fiduciary to make a decision on behalf of the Plan.'' Arthur Andersen suggests inserting the word, ''certain,'' between the word, ''furnishing,'' and the word, ''information.'' Arthur Andersen explains that the change would clarify that it is responsible for providing certain types of information relevant to its role as Independent Fiduciary. The Department concurs.

Sixth, the condition contained in paragraph (i)(4) (renumbered in the final exemption as (i)(5)) on page 14782 of the Notice states that the Independent Fiduciary is responsible for—

> Making Option elections on behalf of any Plan if: (a) the Bank or any of its Affiliates is an employer with respect to the Plan; (b) the independent Plan fiduciary authorizes the Independent Fiduciary to make an Option elections on behalf of that Plan; or (c) the independent Plan fiduciary does not reserve the right to make an Option election and fails to make an Option election prior to the Option Election Date.

Arthur Andersen suggests that the language in item (c) quoted above, should be replaced with the following language: ''the independent Plan fiduciary fails to make Option election prior to the Option Election Date.'' Arthur Andersen states that Independent Plan fiduciaries that reserve the right to make an Option election but fail to do so within the prescribed time frames are not described in the current language quoted above.

Because Arthur Andersen will make Option elections for such Plans, the language in item (c) should include this omitted category, which can be accomplished by eliminating the distinction between Plan fiduciaries that do or do not reserve the right to make option elections. The Department concurs.

Further, the second paragraph of item 12 of the SFR on page 14786 states that—

> [I]f the Plan reserves the right to make it's own Option election and subsequently fails to make an Option election by the Option Election Date, the Plan will be deemed to have elected Option 3. If the Plan does not reserve the right to make its own Option election and the Plan fails to make: a sufficiently broad authorization; any authorization at all; or fails to complete the profile survey, Arthur Andersen will elect only between Options 1 and 3 for the Plan. However, Arthur Andersen will choose among all four Options if the independent Plan fiduciary completes and returns timely all required parts of the profile/survey and the related authorization form expressly authorizing Arthur Andersen to choose among all four Options. The Bank represents that it will authorize Arthur Andersen to choose among all four Options for Plans with respect to which the Bank or any of its Affiliates is an employer.

Arthur Andersen states that the above quoted language should be clarified to indicate that ''where the Plan fails to make its own Option election by the Option Election Date, Andersen will make an election for the Plan between Options 1 and 3, unless otherwise expressly authorized in writing by an independent Plan fiduciary to elect from among all four options. The Option election will not automatically default in certain cases to Option 3.'' Arthur Andersen explains that in each case, an Option election will be made either by a Plan's independent fiduciary, a plan participant or beneficiary in a participant-directed plan (where applicable), or by Arthur Anderson as Independent Fiduciary, as described in the Notice, and in no case will an Option election automatically default to any particular Option. The Department concurs.

Seventh, the condition contained in Section II(i)(5) (renumbered in the final exemption as (i)(6)) on page 14782 of the Notice states that the Independent Fiduciary is responsible for ''providing guidance regarding the four Options, to those independent Plan fiduciaries who wish to make their own Option elections.'' Arthur Andersen states that the words, ''certain assistance,'' should replace the word, ''guidance.'' Arthur Andersen explains that where independent Plan fiduciaries have decided to make their own Option elections, they will not be depending on Arthur Andersen in making their decisions. Consequently, the word, ''guidance,'' would overstate the interaction between Arthur Andersen and such fiduciaries regarding Option elections, whereas ''certain assistance'' more accurately describes this interaction. The Department concurs.

Further, the first sentence of the fourth paragraph of item 12 of the SFR on page 14786 states that ''[w]ith respect to those independent Plan fiduciaries who notify Arthur Andersen that they will be making their own Option elections, Arthur Andersen is prepared to counsel any Plan fiduciary regarding the election process.'' Arthur Andersen suggests substituting the word, ''assist,'' for the word, ''counsel.'' Arthur Andersen wishes to clarify that with respect to those independent Plan fiduciaries who notify Arthur Andersen that they will be making their own Option elections, Arthur Andersen is prepared to assist any Plan fiduciary

regarding the election process. Arthur Andersen explains that in this context, the word, ''assist,'' is more accurate. The Department concurs.

Eighth, the condition contained in Section II(i)(9) (renumbered in the final exemption as (i)(10)) on page 14782 of the Notice states that the Independent Fiduciary is responsible for ''monitoring the Bank's efforts to dispose of the Properties during the liquidation of the Fund.'' Arthur Andersen suggests modifying this phrase to read: ''monitoring, by attending the Bank's Trust Real Estate Investment Committee's quarterly meetings, the Bank's efforts to dispose of the Properties during the liquidation of the Fund.'' Arthur Andersen states that the additional language more accurately reflects its duties under the Agreement, as amended. The Department concurs.

In addition, the condition contained in Section II(o) on page 14782 of Notice states that ''[t]he Independent Fiduciary is responsible for monitoring compliance with the terms and conditions of the exemption at all times.'' Arthur Andersen suggests deleting the word, ''monitoring,'' and inserting after the words, ''responsible for,'' the following language: ''taking reasonable steps consistent with its duties and responsibilities hereunder to monitor.'' In this regard, Arthur Andersen explains that it would not have an affirmative obligation to engage in additional activities to determine compliance beyond participation in the quarterly meetings of NationsBank's Trust Real Estate Investment Committee. Arthur Andersen believes that it must act reasonably within the scope of its defined role, and to the extent it determines there is non-compliance, it must take appropriate action.

Arthur Andersen represents that notwithstanding its comments regarding its responsibilities under the conditions contained in Sections II(i)(9) and (o) of the Notice, Arthur Andersen will be responsible for obtaining the information necessary to execute its duties as follows: (a) To approve, in advance of any sales of the Properties during the period in which the Standby Trust owns Units in the Fund, the reasonableness and propriety of such sales; and (b) to approve, in advance of the payments to Plans under Option 2 following the second anniversary of the Settlement Valuation Date, the reasonableness and propriety of the value of the Fund Units pursuant to Option 2, using procedures parallel to those used in reviewing and approving the reasonableness of the Unit Purchase Price. The Department concurs.

Ninth, the definition in Section II(c)(2) (renumbered in the final exemption as Section III(c)(2)) on page 14782 of the Notice states that ''[a]ny officer or director of the Independent Fiduciary'' is defined as an Affiliate of the Independent Fiduciary. Arthur Andersen requests that the parenthetical ''(where the Independent Fiduciary is other than a partnership)'' be appended to the end of the language quoted above. Arthur Andersen explains that the change would clarify that Section III(c)(2) is not intended to apply to a partnership. The Department concurs.

Tenth, the definition in Section II(c)(3) (renumbered in the final exemption as Section III(c)(3)) on page 14782 of the Notice defines Affiliate of the Independent Fiduciary to include ''[a]ny partner in the Independent Fiduciary, *or any other related individual,* with the authority to make, or who actually makes, fiduciary decisions which are within the scope of the Independent Fiduciary's duties and responsibilities under this exemption, or who holds a five percent (5%) or greater interest in the Independent Fiduciary.'' Arthur Andersen suggests that the italicized phrase above be deleted. Arthur Andersen explains that section (d)(7) of the definitions, already reaches persons who are not partners in the Independent Fiduciary but nevertheless act in a fiduciary capacity. The Department concurs.

After giving full consideration to the record, including the comments by commentators, the Department has determined to grant the exemption as described herein. In this regard, the comments submitted to the Department have been included as part of the public record of the exemption application. The complete application file, including all supplemental submissions received by the Department is made available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, Room N–5507, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption published refer to the notice of proposed exemption published Monday March 20, 1995, at 60 FR 14781.

FOR FURTHER INFORMATION CONTACT: Eric Berger of the Department, telephone (202) 219–8971 (This is not a toll-free number).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 25th day of May 1995.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 95–13300 Filed 5–31–95; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Notice of Submission of Proposed Information Collections to OMB

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed information collections submitted to OMB for approval.

SUMMARY: The National Archives and Records Administration (NARA) is giving notice that the proposed collections of information described in this notice have been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act and 5 CFR part 1320.

Public comment is invited on these collections.

DATES: Comments should be submitted by July 17, 1995.

ADDRESSES: Copies of the proposed information collections and supporting documentation can be obtained from the Policy and Planning Division (PIRM-POL), 8601 Adelphi Road, Room 3200, College Park, MD 20740–6001. Telephone requests may be made to (301) 713–6730, extension 226.

Written comments should be sent to Director, Policy and Planning Division (PIRM-POL), National Archives and Records Administration, 8601 Adelphi Road, Room 3200, College Park, MD 20740–6001. A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka or Nancy Allard at (301) 713–6730.

The following proposed information collections have been submitted to OMB:

1. *Statistical research in archival records contaning personal information.*

Description: The information collection, which is contained in 36 CFR 1256.4, is a written request for access to archival records that are restricted because they contain highly personal information. The access must be for the purpose of conducting biomedical research.

Purpose: The information is used to evaluate whether the research proposal meets the conditions imposed by NARA on access to restricted archival records containing highly personal information.

Frequency of response: On occasion.
Number of respondents: 1.
Reporting hours per response: 7.
Annual reporting burden hours: 7.

2. *NARA Class Evaluation Forms (NA Forms 2019A, 2019B, 2019C, and 2019D).*

Description: The information collection is a an evaluation form completed by participants in traing courses and workshops that NARA conducts on archival and records management topics and on use of the **Federal Register**. The version of the form used depends on the length and format of a class.

Purpose: The information collection will help NARA to assess customer satisfaction with the course content and delivery, and to correct problems with classes to ensure that future classes meet the customers' needs.

Frequency of response: On occasion.

Number of respondents: 4,850.

Reporting hours per response: 5 minutes for NA Forms 2019A, 2019B, and 2019C, which are used in most classes. 10 minutes for NA Form 2019D, which is used for certain multi-day classes.

Annual reporting burden hours: 509 hours.

3. *Application and Permit for Use of Space in Presidential Library and Grounds (NA Form 16011).*

Description: The information collection is an application form completed by organizations that want to hold meetings or other activities at a Presidential Library. When approved, the form also serves as the permit for the activity.

Purpose: The information is used to determine whether the proposed use will meet the criteria specified in 36 CFR 1280.42 and to schedule the dates.

Frequency of response: On occasion. Most respondents request use of the library space for a specific one-time event.

Number of respondents: 1,000.

Reporting hours per response: 20 minutes.

Annual reporting burden hours: 334 hours.

Dated: May 23, 1995.

Rudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 95–13378 Filed 5–31–95; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

All Licensees; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Enforcement, has issued a decision concerning the Petition filed by Mr. Thomas J. Saporito, Jr., (Petitioner) on March 8, 1995. The Petition requested that the NRC issue a generic letter of instruction to all licensees requiring them to review their station operating procedures to determine whether those procedures include any restrictions that would prevent or dissuade a licensee employee from bringing perceived safety concerns directly to the NRC without following the normal chain of command. The Petition requests that each licensee be required to report to the Commission, under oath or affirmation, that the review has been completed, that its employees are free to bring concerns to the NRC without following the normal chain of command, and that this information has been communicated to all of its employees.

Based on a review of Petitioner's request and the Secretary of Labor's Decision and Remand Order of June 3, 1994 and Order of February 16, 1995, the Director, Office of Enforcement, has denied this Petition. The reasons for the denial are explained in the ''Director's Decision under 10 CFR 2.206'' (DD–95–08) which is available for public inspection in the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555.

A copy of this Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission on its own motion institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 25th day of May 1995.

For the Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 95–13356 Filed 5–31–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–606]

Arkansas Tech University; Notice of Withdrawal of Application for Construction Permit and Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Arkansas Tech University (the applicant) to withdraw its November 13, 1989, application for issuance of a construction permit and subsequently a facility operating license for a non-power reactor for educational, training, and research purposes on the campus of the applicant in Russellville, Arkansas.

The Commission had previously issued a Notice of Proposed Issuance of Construction Permit and Facility Operating License published in the **Federal Register** on November 13, 1990 (55 FR 47408). However, by letter dated April 10, 1995, the applicant withdrew the application.

For further details with respect to this action, see the application for construction permit and facility operating license dated November 13, 1989, and the letter from the applicant dated April 10, 1995, which withdrew the application. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland, this 24th day of May 1995.

For the Nuclear Regulatory Commission

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–13355 Filed 5–31–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–443 (License No. NPF–86)]

Exemption

In the Matter of North Atlantic Energy Service Corporation (Seabrook Station, Unit No. 1).

I

North Atlantic Energy Service Corporation (North Atlantic or the licensee) is the holder of Facility Operating License No. NPF–86, which authorizes operation of Seabrook Station, Unit No. 1 (the facility or Seabrook), at a steady-state reactor power level not in excess of 3411 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in Rockingham County, New Hampshire. The license provides among other things, that it is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II

Section III.D.I.(a) of Appendix J to 10 CFR Part 50 requires the performance of three Type A containment integrated leakage rate tests (ILTRs) at approximately equal intervals during each 10-year service period of the primary containment. The third test of each set shall be conducted when the plant is shutdown for the 10-year inservice inspection.

III

By letter dated February 17, 1995, North Atlantic requested temporary relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period of the primary containment. The requested exemption would permit delaying performance of the of the second Type A test by approximately 22 months (from the 1995 refueling outage currently scheduled to being November 4, 1995, to the 1997 refueling outage projected to start September 1997). The last Type A test was completed October 30, 1992. Thus, if the next Type A test is delayed until the 1997 refueling outrage, the interval between tests will be 59 months.

North Atlantic's request cites the special circumstances provision of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. North Atlantic notes that the existing Type B and C testing programs are not being modified by its request and that these testing programs will continue to detect effectively containment leakage caused by the degradation of active containment isolation components as well as containment penetrations. It has been the consistent and uniform experience at Seabrook during the three Type A tests conducted from 1986 to date, that any significant containment leakage paths are detected by the Type B and C testing. The Type A test results have been only confirmatory of the results of the Type B and C tests results. Therefore, application of the regulation in this particular circumstances would not serve, nor is it necessary to achieve the underlying purpose of the rule.

Additionally, North Atlantic stated that the exemption request meets the requirements of 10 CFR 50.12, paragraphs (a)(1) and (a)(2)(ii), for the following reasons:

- Based on the excellent performance of the Appendix J Type B and C test program and companion programs, the exemption would not result in undue risk to the health and safety of the public.
- The Type A test results demonstrate that Seabrook has a low-leakage containment. Three Type A tests have been performed at Seabrook without a single test failure, and the highest [as-found] leakage rate of 0.07092 percent per day is well below the acceptance limit of 0.1125 percent per day and the design limit of 0.15 percent per day.
- An assessment of the risk-impact of the exemption concludes that there would be no undue risk to the public health and safety as a result of the proposed schedular extension of the Type A test.
- Resources now being expended on meeting the requirements of Appendix J for the fourth refueling outage Type A test could be better utilized to prepare for and execute other functions with a higher impact on safety during the remainder of Cycle 4 and during the refueling outage.
- The proposed exemption only extends the ILRT from the fourth refueling outage to the fifth refueling outage. North Atlantic is requesting a one time exemption from Section III.D.1(a) of Appendix J that refers to performing ILRTs ''* * * at approximately equal intervals'' during each 10-year service period.

IV

Section III.D.1.(a) of Appendix J to 10 CFR part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal intervals during each 10-year period.

North Atlantic has proposed an exemption to this section which would provide a one-time interval extension for the second Type A test in the current 10-year service period by approximately 22 months.

The Commission has determined that pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of the requirement to perform Type A containment leak rate tests at intervals during the 10-year service period is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing or becoming unknown. The NRC staff has reviewed the basis and supporting information provided by North Atlantic in the exemption request. The NRC staff has noted that North Atlantic has a good record of ensuring a leak-tight containment. All Type A tests have passed with significant margin and North Atlantic has noted that the results of the Type A testing have been confirmatory of the Type B and C tests which will continue to be performed. North Atlantic also has committed to perform, notwithstanding the granting of the proposed exemption, a general inspection of the containment and containment enclosure during the fourth refueling outage even though such an inspection is required by Appendix J, Section V.A. and the Seabrook Appendix A Technical Specifications to be performed only prior to Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The licensee performed a risk analysis which demonstrates that the extension in the Type A test interval would result in a negligible increase in risk. These results are consistent with calculations performed for EPRI (as reported in EPRI

TR–104285, ''Risk Impact Assessment of Revised Leak Rate Testing Intervals, August 1994) and the staff study reported in NUREG–1493, ''Performance-Based Containment Leak Test Program.''

the NRC staff has also made use of the information in a draft staff report, NUREG–1493, which provides the technical justification for the present Appendix J rulemaking effort which also includes a 10-year test interval for Type A tests. The integrated leakage rate test, or Type A test, measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by local leakage rate tests (Type B and C). According to results given in NUREG–1493, out of 180 ILRT failure reports covering 110 individual reactors and approximately 770 years of operating history, only 5 ILRT failures were found which local leakage rate testing could not detect. Thus, Type A testing detected failures not discovered by Type B and C testing in about 3% of the tests, and in these tests the actual leakage rates were only marginally in excess of leak-tightness requirements. This study agrees well with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks.

The Nuclear Management and Resources Council (NUMARC), now known as the Nuclear Energy Institute (NEI), provided the NRC staff with summaries of data to assist in the Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded $1.OL_a$. Of these, only nine were not due to Type B or C leakage penalties. The NEI data also added another perspective. The NEI data show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than $2L_a$; in one case the leakage was found to be approximately $2L_a$; in one case the as-found leakage was less than $3L_a$; one case approached $10L_a$; and in one case the leakage was found to be approximately $21L_a$. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to L_a (approximately $200L_a$, as discussed in NUREG–1493). Therefore, based on these considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at Seabrook would result in significant degradation of the overall containment integrity. As a result, the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

Based on generic and plant specific data, the NRC staff finds the basis for North Atlantic's proposed exemption to allow a one-time exemption to permit a schedular extension of one cycle for the performance of the Appendix J Type A test to be acceptable provided that the general containment inspection is performed.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (60 FR 27569).

This Exemption is effective upon issuance and shall expire at the completion of the fifth refueling outage, presently expected to start in September 1997.

Dated at Rockville, Maryland, this 25th day of May 1995.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Acting Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–13357 Filed 5–31–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Expedited Review of New Form RI 38–128

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for an expedited review of a new information collection. Form RI 38–128, Payment Election Form, provides the opportunity for an annuitant to elect Direct Deposit or a paper check. This election is required only once: When a person is first put on the annuity roll. If there is no evidence that the separating agency gave the person this election, OPM must provide this form. As agencies learn to give retiring employees this election opportunity, OPM will send fewer election forms; however, this form will always be needed for deferred annuitants and survivor annuitants.

Approximately 65,320 RI 38–128 forms will be completed annually. We estimate that it takes 30 minutes to fill out the form. The annual burden is 32,660 hours.

A copy of this proposal is appended to this notice.

DATES: Comments on this proposal should be received within three (3) calendar days from the date of this publication. OMB has been asked to take action within five (5) calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Retirement and Insurance Service, Operations Support Division, U.S. Office of Personnel Management, 1900 E. Street NW., Room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Forms Analysis and Design, (202) 606–0623.

United States Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

BILLING CODE 6325–01–M

U.S. Office of Personnel Management
Retirement Operations Center
Post Office Box 440
Boyers, PA 16017-0440

OMB Approved
No: 3206-XXXX

Date:

It's Time to Sign Up for Direct Deposit

Public Law 103-356 requires that regular annuity payments begun on or after January 1, 1995, must be paid by Direct Deposit into a savings or checking account at a financial institution, unless a request for waiver of that requirement is submitted **in writing** so that payment may be made by check.

More than two-thirds of retirees have elected Direct Deposit. They gave it a 97% approval rating in a recent survey. That's because choosing Direct Deposit is a win-win situation all around. You avoid the bother of traveling to a bank or other financial institution to cash or deposit your check. You may earn a few days extra interest each month, and you save travel costs and time. Direct Deposit is a safeguard against your checks being stolen, and you avoid any possible mail delay. Finally, OPM, and your fellow taxpayers, save the difference in cost between Direct Deposit and payment by check ($.33 per payment). Please take these advantages into consideration when you make your decision.

Please complete the election information on the reverse of this letter, and submit it in the return envelope enclosed.

Thank you.

Office of Retirement Programs

Enclosure

Public Burden Statement

We think this form takes an average of 30 minutes to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or any other aspect of this form, including suggestions for reducing completion time, to the Office of Personnel Management, OPM Reports and Forms Officer, Washington, DC 20415.

RI 38-128
April 1995

Applicant's name
Claim number

Annuity Payment Election Form

To have your annuity payments made by Direct Deposit, please complete Section A. You may also receive Direct Deposit by completing a Standard Form 1199A (available at most financial institutions). If you want to receive your payments by check, please complete Section B to request a waiver of the Direct Deposit requirement.

Section A - Payment by Direct Deposit

I want to receive my annuity payments by Direct Deposit into the account indicated below. I have checked with my financial institution and confirmed that the following information is correct.

Account number	Account type ☐ Checking ☐ Savings
Financial institution routing number ⇨	Call your financial institution for the routing number. We cannot pay by Direct Deposit without it. If your financial institution indicates the information on your personal check is correct for Direct Deposit, you may attach a voided check instead of entering the information here.
Name, address and telephone number of your financial institution. ( )	
Signature	Date

Section B - Payment by Check

I want to be paid by check. I therefore request waiver of the requirement that I be paid by Direct Deposit. I understand that I may sign up for Direct Deposit at a later date.

Signature	Date

Reverse of RI 38-128
April 1995

[FR Doc. 95–13317 Filed 5–31–95; 8:45 am]
BILLING CODE 6325–01–C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35758; File No. SR–DTC–95–10]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Proposed Rule Change Seeking To Implement the Advice of Confirm Correction/Cancellation Feature and To Modify the Authorization/Exception Processing Feature of the Institutional Delivery System

May 24, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on April 27, 1995, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change involves the Advice of Confirm Correction/Cancellation feature and a modification of Authorization/Exception processing in the Institutional Delivery (''ID'') system of DTC.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In a previous filing with the Commission, DTC described several enhancements to the ID system that it planned to implement, including the Advice of Confirm Correction/Cancellation feature and the modification of Authorization/Exception processing.[4] These are the subject of this proposed rule change.

The Advice of Confirm Correction/Cancellation feature is one of three electronic mail features described in the Enhanced ID Filing. The other two electronic mail features are the Notice of Order Execution and Institution Instructions, which were the subjects of another DTC filing.[5] The Advice of Confirm Correction/Cancellation feature will enable an institution or its agent which has received a confirmation through the ID system to notify the broker-dealer of the reason(s) why the institution disagrees with the confirmation. This communication from the institution, which is sometimes called a ''DK'' (*i.e.*, don't know) of the trade, will enable the broker-dealer to take steps to resolve the discrepancy between its records of the trade and the institution's records. The Advice of Confirm Correction/Cancellation was described in another DTC filing as a feature which will enable a prime broker to DK a trade when it receives an ID confirmation from an executing broker.[6]

The Enhanced ID Filing also described a planned modification of Authorization/Exception processing to extend the period during which delivering parties are allowed to authorize settlement of trades or to except trades from settlement. Prior to the modification, only ID trades which settled on the third day following the trade date (''T+3'') or later could be authorized or excepted from settlement through an instruction submitted in Authorization/Exception processing on settlement date minus one (''S–1''). The modification allows authorization or exception of trades settling on T+1 and later through an instruction submitted on any of the twenty-three business days from S–1 through S+21.

DTC believes the proposed rule change is consistent with the requirements of Section 17A(b)(3) (A) and (F)[7] of the Act since the proposed rule change will promote efficiencies in the clearance and settlement of transactions in securities. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible since the proposed rule change will be implemented as enhancements to DTC's existing ID system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule change has been developed through widespread consultations with securities industry members, as described in the Enhanced ID Filing.[8] Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which 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,

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The modifications are set forth in the procedures attached as Exhibit 2 to File No. SR–DTC–95–10. The procedures are an addition to Section M of the ID System of DTC's Participant Operating Procedures. The file is available for review in the Commission's Public Reference Room and at the principal office of DTC.

[3] The Commission has modified the text of the summaries prepared by DTC.

[4] Securities Exchange Act Release No. 33466 (January 12, 1994), 59 FR 3139 [File No. SR–DTC–93–07] (order approving proposed rule change relating to the enhanced ID system) (''Enhanced ID Filing'').

[5] Securities Exchange Act Release No. 34199 (June 10, 1994), 59 FR 31660 [File No. SR–DTC–94–04] (order granting accelerated approval of a proposed rule change to implement the interactive capabilities and the electronic mail features of the enhanced ID system).

[6] Securities Exchange Act Release No. 34779 (October 3, 1994), 59 FR 34779 [File No. SR–DTC–94–13] (order granting accelerated approval on a temporary basis through May 31, 1995, of the prime broker option in the ID system).

[7] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

[8] *Supra* note 3.

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 Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–95–10 and should be submitted within June 22, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–13327 Filed 5–31–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35756; File No. SR–Phlx–95–02]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change, and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Additional Expirations for Cash/Spot German Mark Foreign Currency Options (''3D Options'')

May 24, 1995.

On January 25, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''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 list series of cash/spot German mark foreign currency options (''3D Options'') having up to 12 months to expiration. On February 24, 1995, the Exchange filed Amendment No. 1 to the proposed rule change.[3] Notice of the proposed rule change and Amendment No. 1 thereto appeared in the **Federal Register** on March 27, 1995.[4] No comment letters were received on the proposed rule change, as amended. The Exchange subsequently filed Amendment No. 2 to the proposal on May 9, 1995.[5] This order approves the Exchange's proposal, as amended.

On March 8, 1994, the Commission approved the listing and trading of 3D Options.[6] 3D Options are issued by The Options Clearing Corporation and are European-style.[7] These FCOs currently have one-week and two-week expirations and were originally designed to provide a hedging vehicle for: sophisticated retail customers, portfolio managers, and multi-national corporations which need to hedge their short term foreign currency exposure; and to banks which need to hedge the risks associated with trading in the forward and cash markets.

The Exchange represents that the users of 3D Options have particularly liked the U.S. dollar settlement feature and have indicated to the Exchange that they would like to be able to use an exchange-traded U.S. dollar settled FCO to hedge longer-term currency risks. As a result, in addition to the current one-week and two-week expiration series of 3D Options, the Phlx proposes to list series of 3D Options on the March, June, September, and December cycle and the two near-term months. Phlx Rules 1012(a)(ii) (B) and (C) are being amended to reflect these additional series of options.

The expiration date for these longer-term 3D Options will be the Monday preceding the third Wednesday of each month. The Exchange will not list 3D Options with month-end expirations or series with more than 12 months to expiration.[8]

Currently, 3D Options are listed with the symbol XDA, XDB, XDC, XDD, or XDE depending on whether they will expire on the first, second, third, fourth, or fifth Monday of the month, respectively. Because the proposed longer-term 3D Options will expire on the Monday before the third Wednesday of each month, they will always expire on either the second or third Monday of the month. Accordingly, the longer-term 3D Options will be listed with the symbol XDB or XDC and will carry that symbol until expiration.

3D Options are currently listed in one-half point strike price intervals. The longer-term 3D Options listed for the three near term months will also be listed in one-half point strike price intervals. The 3D Options listed with six, nine, of twelve months to expiration will have one point strike price intervals.

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)[9] in that the proposal is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest. Specifically, the Commission believes that the proposal is designed to provide investors an additional means of hedging foreign currency portfolios and cash flows with longer-term market risk, thereby facilitating transactions in FCOs. The Commission believes that by allowing the Phlx to list these options with up to 12 months to expiration, investors will be provided with greater flexibility to tailor FCO positions to satisfy their investment objectives.[10] In

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[9] 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] In Amendment No. 1, the Exchange proposed to: (1) amend the procedure for the symbols that will be used for the proposed longer term 3D Options, (2) change the name of these options in Phlx's rules from ''cash/spot'' to ''3D'' foreign currency options (''FCOs''); and (3) specify the strike price intervals applicable to the longer-term 3D Options. *See* Letter from Michele Weisbaum, Associate General Counsel, Phlx, to Brad Ritter, Senior Counsel, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Commission, dated February 24, 1995. Amendment No. 1 also clarified the proposal to allow spread margin between the 3D Options and the regular Deutsche mark FCO. This proposal, however, was later withdrawn in Amendment No. 2. *See* Amendment No. 2, *supra* note 5.

[4] *See* Securities Exchange Act Release No. 35520 (March 21, 1995), 60 FR 15807.

[5] In Amendment No. 2, the Exchange withdrew its request for spread margin treatment between the Exchange's German mark FCOs and the 3D Options. Additionally, the Exchange notified the Commission that it is terminating its agreement with one of the two outside vendors that it had contracted with to calculate the settlement value of the 3D Options. *See* Letter from Michele Weisbaum, Associate General Counsel, Phlx, to Brad Ritter, Senior Counsel, OMS, Division, Commission, dated May 8, 1995 (''Amendment No. 2'').

[6] *See* Securities Exchange Act Release No. 33732 (March 8, 1994), 59 FR 12023 (March 15, 1994) (''3D Approval Order'').

[7] A European-style option may only be exercised during a specified time period immediately prior to expiration of the option.

[8] The Exchange is also amending Phlx Rules 1000, 1012, 1014, 1057, and 1069 to change references from ''cash/spot'' FCOs to ''3D'' FCOs, as these options are more commonly referred to. The Exchange is also making some non-substantive changes to Rule 1012 for ease of reading.

[9] 15 U.S.C. 78f(b)(5) (1988).

[10] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

this regard, the Commission notes that the Phlx has stated that the longer-term 3D Options will meet the needs of investment managers who are seeking to protect portfolios against foreign exchange fluctuations but who do not wish to receive or deliver the underlying currency to achieve that goal. Similarly, the Exchange believes that corporate treasurers seeking balance sheet protection would also prefer paying or receiving U.S. dollars rather than exchanging German marks. Both of these potential users may have long-term concerns for which the one-week and two-week expiration 3D Options would not be an appropriate hedging vehicle. Finally, the Exchange believes that retail traders who may have a long-term market perspective will find the longer-term 3D Options attractive because they will not have to establish foreign bank credit lines or have to deal with the delivery or receipt of the underlying foreign currency at settlement.[11]

Additionally, the Commission notes that except as modified herein, all of the representations made by the Exchange and all of the rules approved by the Commission in connection with the 3D Approval Order, including, but not limited to, aggregation with regular Deutsche mark FCOs for position and exercise limit purposes, extended trading hours on expiration Mondays, Exchange and bank holidays on which 3D Options will not expire, and automatic exercise of in-the-money 3D Options,[12] will also apply to the longer-term 3D Options listed pursuant to this approval.[13]

As a result, for the reasons stated above and in the 3D Approval Order,[14] the Commission finds that the proposed rule change is consistent with the Act.

The Commission finds good cause for approving Amendment No. 2 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. 2 merely withdraws the Exchange's request for spread margin treatment between the Exchange's German mark FCOs and the 3D Options.[15] Because the requested spread margin treatment would have been a liberalization of the Exchange's existing margin rules, withdrawing this request from the proposal does not raise any regulatory issues.

The Commission notes that the termination by the Phlx of its relationship with one of the vendors used to calculate the settlement value for the 3D Options is, in this case, a non-substantive change. In this regard, based on the representations by the Phlx describing the procedures used for calculating the settlement value, including the backup procedures to be used in the event of a complication, the Commission believes that the Phlx will be able to continue to comply with the procedures specified in the 3D Approval Order despite this change.[16] Accordingly, the Commission believes it is consistent with Section 6(b)(5) of the Act to approve Amendment No. 2 to the Phlx's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2. 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.[16]

All submissions should refer to the File No. SR–Phlx–95–02 and should be submitted by June 22, 1995.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (SR–Phlx–95–02), as amended, is approved contingent upon the Exchange's submission to the Commission of adequate systems capacity representations.[18]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–13413 Filed 5–31–95; 8:45 am]

BILLING CODE 8010–01–M

[11] The Commission notes that prior to listing longer-term 3D Options the Exchange will be required to provide written representations that both the Exchange and the Options Price Reporting Authority have the necessary systems capacity to support these new series of options.

[12] *See* 3D Approval Order, *supra* note 6.

[13] One additional modification herein is with regard to customer margin. In connection with the 3D Approval Order, the Phlx agreed to collect margin within two days following the date on which a customer enters into a cash/spot FCO position and to maintain customer margin at a level sufficient to produce at least a 97% confidence level in the volatility of the Deutsche mark in relation to the U.S. dollar for all two-day intervals during the two year period preceding the time of measurement. These margin provisions will apply to the longer-term 3D Options only when these options have two weeks or less to expiration. At all other times, the Exchange's customer margin procedures applicable to the Phlx's regular Deutsche mark FCOs will apply. Telephone conversation between Michele Weisbaum, Associate General Counsel, Phlx, and Brad Ritter, Senior Counsel, OMS, Division, Commission, on May 23, 1995.

[14] *See* 3D Approval Order, *supra* note 6.

[15] *See* Amendment No. 2, *supra* note 5.

[16] *See* 3D Approval Order, *supra* note 6. The Commission expects the Phlx to continue to notify the Commission prior to making any change in the procedures approved in the 3D Approval Order.

[16] *See* 3D Approval Order, *supra* note 6. The Commission expects the Phlx to continue to notify the Commission prior to making any change in the procedures approved in the 3D Approval Order.

[17] 15 U.S.C. 78s(b)(2) (1988).

[18] *See supra* note 11.

[19] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–35761; File No. SR–NASD–95–19]

Self-Regulatory Organizations: Notice of Filing of Proposed Rule change by National Association of Securities Dealers, Inc. Relating to Limited Partnership Rollup Transactions

May 24, 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 May 4, 1995 the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. 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 NASD is herewith filing a proposed rule change to add new paragraph 7 to Subsection (b)(2)(B)(vii)d. of Article III, Section 34 of the Rules of Fair Practice and to add new paragraph (vii) to Subsection (14)(D) to Part I of Schedule D to the By-Laws to exclude investment companies and business development companies from the definition of ''limited partnership rollup transaction.'' The specific text of the rule change would apply to ''a transaction involving only

entities registered under the Investment Company Act of 1940 or any Business Development Company as defined in Section 2(a)(48) of that Act.''

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 NASD 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 NASD has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Federal legislation regulating limited partnership rollups (''Rollup Reform Act'') was signed into law on December 17, 1993, and contained a mandate for the NASD to adopt its own rollup rule. The NASD's rule regulating rollups (''Rollup Rule'') was approved by the SEC on August 15, 1994 [1] and amended Article III, Section 34 of the NASD Rules of Fair Practice to prohibit NASD members and associated persons from participating in a ''limited partnership rollup transaction'' unless the transaction includes specified provisions to protect the rights of limited partners. The Rollup Rule further amended Part III of Schedule D to the By-Laws to prohibit the authorization for quotation on the Nasdaq National Market of any security resulting from a ''limited partnership rollup transaction'' unless the transaction is conducted in accordance with certain specified procedures designed to protect the rights of dissenting limited partners. The NASD Roll Up Rule was designed to conform to the federal roll up legislation.

Subsequent to approving the NASA's Rollup Rule, the SEC adopted new Rule 3b–11 to exclude from the definition of ''limited partnership rollup transaction,'' among other things, transactions involving entities registered under the Investment Company Act of 1940 (the ''1940 Act'') or any Business Development Company as defined in Section 2(a)(48) of the 1940 Act.[2] In its adopting release, the SEC stated that it was adopting the new Rule in order to define related terms used in the federal rollup definition ''. . . for purposes of, among other things, the SRO rules.''

The SEC has requested that the NASD amend the Rollup Rule to conform the NASD's definition of ''limited partnership rollup transaction'' to the definition adopted by the SEC. The proposed rule change amends the Rollup Rule by adding as an exclusion for investment companies and business development companies to the definition of ''limited partnership rollup transaction''new paragraph 7 to Subsection (b)(2)(B)(vii)d. to Article III, Section 34 of the Rules of Fair Practice and new paragraph (vii) to Subsection 14(D) to Part I of Schedule D. Thus, if the proposed rule change is adopted, investment companies and business development companies would be excluded from the purview of the Rollup Rule. Investment Companies and Business Development Companies are already subject to extensive regulation under the 1940 Act and have not been perceived as entities connected with the types of abusive limited partnership rollup transactions for which investor protection provisions of the rollup rules were sought.

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[3] which require that the rules of the association be designed to prevent fraudulent and manipulative acts and promote just and equitable principles of trade in that the proposed rule change provides for regulatory consistency in the definition of ''limited partnership rollup transaction'' and appropriately excludes investment companies and business development companies from unnecessary, and potentially burdensome, additional regulation.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission,and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at a principal office of the NASD. All submissions should refer to File No. SR–NASD–95–19 and should be submitted by June 22, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–13307 Filed 5–31–95; 8:45 am]

BILLLING CODE 8010–01–M

[Rel. No. IC–21095; 811–8442]

Countdown to Retirement Funds; Notice of Application

May 24, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

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[1] *See,* Securities Exchange Act Release No. 34533 (August 15, 1994); 59 FR 43147 (August 22, 1994).

[2] *See,* Securities Act Release No. 7113; Securities Exchange Act Release No. 35036 (December 2, 1994); 59 JR 63676 (December 8, 1994).

[3] 15 U.S.C. § 78*o*–3.

APPLICANT: Countdown to Retirement Funds.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on April 19, 1995 and amended on May 22, 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 June 19, 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, 1807 South Washington Avenue, Suite 106, Naperville, Illinois 60565.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is registered as an open-end management investment company under the Act and organized as an Ohio business trust. On March 22, 1994, applicant registered under the Act as an investment company and filed a registration statement on Form N–1A to register its shares under the Securities Act of 1933. The registration statement became effective on June 22, 1994, and applicant commenced the initial public offering of its Retire 2010 series and Retire 2020 series promptly thereafter.

2. On March 25, 1995, after determining that the continued operation of applicant would be uneconomical and not in the best interest of shareholders, applicant's board of trustees unanimously authorized the liquidation of applicant pending shareholder approval. On or about March 25, 1995, applicant notified each of the remaining shareholders by phone of the situation concerning the future of their fund. Notification was made by phone as all non-affiliated shareholders were personal friends of the adviser. These non-affiliated shareholders requested redemption of their shares on various dates and such redemptions occurred at the prevailing net asset value on the date the redemption request was received.

3. On April 15, 1995, all non-affiliated shareholders had completed redemption of their shares. The board approved the deregistration on April 17, 1995, after the sole remaining shareholder, Gregory L. Bruno, President and Founder of the funds, voted to deregister and wind up the affairs of applicant. After the termination of the funds, the remaining portfolio securities were then transferred to Gregory L. Bruno.

4. Distributions to all securityholders in complete liquidation of their interests have been made. Applicant incurred $175 in brokerage commissions with respect to the disposition of its Retire 2010 portfolio securities, and $50 with respect to its Retire 2020 portfolio securities. Liquidation expenses are inconsequential and will be borne by Countdown Management Corporation, applicant's investment adviser.

5. As of the date of the application, applicant had no debts or liabilities and is not a party to any litigation or administrative proceeding.

6. Applicant is neither engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding-up of its affairs. Applicant intends to file all documents required to terminate its existence as an Ohio business trust.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–13328 Filed 5–31–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster Local Area #8530]

North Carolina; Declaration of Disaster Loan Area

Buncombe County and the contiguous counties of Haywood, Henderson, Madison, McDowell, Rutherford, Transylvania, and Yancey in the State of North Carolina constitute an economic injury disaster area as a result of damages caused by a fire in the City of Asheville which occurred on April 2, 1995. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on February 26, 1996 at the address listed below:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, Georgia 30308.

Or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: May 25, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–13440 Filed 5–31–95; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2778]

Ohio (And Contiguous Counties in West Virginia); Declaration of Disaster Loan Area

Meigs County and the contiguous counties of Athens, Gallia, and Vinton in the State of Ohio and Jackson, Mason, and Wood Counties in the State of West Virginia constitute a disaster area as a result of damages caused by heavy rains and flooding on May 13–14, 1995. Applications for loans for physical damage may be filed until the close of business on July 24, 1995 and for economic injury until the close of business on February 26, 1996 at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308, or other local announced locations.

The interest rates are:

For physical damage:	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are 277806 for Ohio and 277906 for West Virginia. for economic injury the numbers are 852700 for Ohio and 852800 for West Virginia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 25, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–13441 Filed 5–31–95; 8:45 am]

BILLING CODE 8025–01–M

OFFICE OF SPECIAL COUNSEL

Agency Forms Submitted for Office of Management and Budget (OMB) Review Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, as amended (44 U.S.C. Chapter 35), the U.S. Office of Special Counsel (OSC) is submitting a proposal for the collection of information to OMB for review and approval.

(1) *Type of request:* New collection
(2) *OMB Number:* New information collection
(3) *Collection title:* OSC Surveys (OSC Forms 48a–48c)
(4) *Collection description:* Three written surveys seeking qualitative information in completed cases from individuals who have (a) alleged prohibited personnel practices resolved after review by the Complaints Examining Unit (CEU), or after full field investigation and legal review by OSC; (b) received written Hatch Act advisory opinions from OSC; and (c) disclosed possible wrongdoing by federal agencies to OSC. The collection of information will be conducted pursuant to Public Law (P.L.) 101–12, as amended, and a new statutory survey requirement enacted at § 13 of P.L. 103–424.
(5) *Respondents:* Federal employees will be the primary respondents. State or local government employees, businesses or other for-profit entities, non-profit institutions, and small businesses or organizations may be respondents on an occasional, infrequent basis.
(6) *Estimated annual number of respondents:* 1,576 (maximum).
(7) *Estimated annual number of responses:* Same as Item (6).
(8) *Proposed frequency of response:* Once per matter completed by OSC (maximum).
(9) *Estimated average burden hours per response:* .1333 hours
(10) *Estimated total annual reporting burden:* 211 hours.

ADDRESSES: Requests for further information should be addressed to Erin M. McDonnell, Associate Special Counsel for Planning and Advice, U.S. Office of Special Counsel, 1730 M Street NW. (Suite 300), Washington, DC 20036–4505. Comments should be made within 30 days of the date of publication of this notice, and should be addressed to Joseph F. Lackey, Office of Management and Budget, new Executive Office Building, Room 10235, 1725–17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Erin M. McDonnell, Associate Special Counsel for Planning and Advice, U.S. Office of Special Counsel, 1730 M Street NW. (Suite 300), Washington, DC 20036–4505, (202) 653–8971 [phone], (202) 653–5161 [fax].

SUPPLEMENTARY INFORMATION: Copies of the forms and supporting documents can be obtained from Erin M. McDonnell, Associate Special Counsel for Planning and Advice, at the address shown above.

Dated: May 25, 1995.

James A. Kahl,

Deputy Special Counsel.

[FR Doc. 95–13341 Filed 5–31–95; 8:45 am]

BILLING CODE 5048–01–M

SOCIAL SECURITY ADMINISTRATION

Representative Payment Advisory Committee; Notice of Establishment

Pursuant to Pub. L. 92–463, the Federal Advisory Committee Act, as amended, (5 U.S.C. App.), the Social Security Administration announces the establishment by the Commissioner of the Representative Payment Advisory Committee.

The Committee shall advise the Commissioner concerning representative payment policy in five broad areas: (1) Beneficiary incapability; (2) payee selection; (3) payee recruitment and retention; (4) standards for payee performance; and (5) payee oversight. The Committee shall assess the need for change in representative payment policy and make recommendations for possible legislation. The Committee is necessary and in the public interest.

The Committee will consist of at least 13 members, including the Chair, who are knowledgeable of the issues related to the Committee's function. They shall be selected from outstanding authorities in the fields of social services; disability, including mental health, developmental disabilities, and substance abuse; elder concerns; social welfare law; and State/local government. The Commissioner will give close attention to equitable geographic distribution and to minority and female representation as appropriate. Appointments shall be made without discrimination on the basis of age, race, sex, cultural, religious or socioeconomic status.

The Committee shall terminate after submission of its final report on July 1, 1996, unless the Commissioner formally determines that continuance is in the public interest and renews the Committee.

Sandy Crank,

Associate Commissioner, Office of Program Benefits Policy.

[FR Doc. 95–13363 Filed 5–31–95; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 95–046]

Closure of Coast Guard Facilities on Governors Island, NY, and Relocation of Coast Guard Facilities; Environmental Assessment and Draft Finding of No Significant Impact

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: The Coast Guard has prepared an Environmental Assessment (EA) and a draft Finding of No Significant Impact (FONSI) for the closure of Coast Guard facilities on Governors Island and relocation of Coast Guard operations and facilities to several receiving sites. The EA concluded that there will be no significant impact on the environment and that preparation of an Environmental Impact Statement will not be necessary. This notice announces the availability of the EA and draft FONSI and solicits comments.

DATES: Comments must be received on or before July 3, 1995.

ADDRESSES: Comments may be mailed to the Commanding Officer, U.S. Coast Guard Civil Engineering Unit Providence, 300 Metro Center Blvd., Warwick, RI 02886, or may be delivered to the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal Holidays. The telephone number is (401) 736–1776.

Copies of the EA and draft FONSI may be obtained by contacting LCDR Dan Takasugi at (401) 736–1776 or faxing a request to (401) 736–1704. Several copies of the EA and draft FONSI are also available for inspection at the Governors Island Library; the New Amsterdam Public Library, 9 Murray

Street, New York, NY 10007; the St. George Public Library, 5 Central Avenue, Staten Island, NY 10301; and the Middletown Public Library, 55 New Monmouth Road, Middletown, NJ 07748.

FOR FURTHER INFORMATION CONTACT: LCDR Dan Takasugi, Executive Officer, Civil Engineering Unit Providence, (401) 736–1776.

Request for Comments

Copies of the EA and draft FONSI are available as described under **ADDRESSES.** The Coast Guard encourages interested persons to comment on these documents. The Coast Guard will consider these comments prior to making a decision to implement closure and relocation actions.

Background

Governors Island is located in New York Harbor, south of Manhattan and west of Brooklyn. It houses a large U.S. Coast Guard (USCG) facility, Support Center New York, and a number of tenant commands. The 172-acre island is surrounded by a seawall and is accessed by ferry from Manhattan.

The USCG is looking for a means to reduce its annual operating costs and closure of the Governors Island facility is intended to partially fulfill that goal. The USCG functions at Governors Island would be relocated off the island.

This Environmental Assessment (EA) was prepared pursuant to the National Environmental Policy Act (NEPA) of 1969 and evaluates the potential environmental impacts of closure of Coast Guard facilities at Governors Island. It also evaluates the potential environmental impacts of relocating these facilities to other sites in the New York Harbor region including: land use; infrastructure (traffic and utilities); public services; public health and safety; noise; air quality; geology and soils; water resources; biological resources; cultural resources; and socioeconomics.

Those facilities on Governors Island which provide service to the New York Harbor region would be relocated to other facilities within the New York Harbor region located at the Battery Park Building, Military Ocean Terminal Bayonne, Rosebank, Wadsworth, and Sandy Hook. The description of the relocation sites is as follows:

(a) The Battery Park Building: The proposed action would relocate various local functions from Governors Island to the Battery Park Building in Manhattan. This would include offices for the Coast Guard Auxiliary, Recruiting, Law Enforcement, Licensing and Inspection, and Automated Mutual Assistance Vessel Rescue System (AMVER) programs. No vessels would be relocated from Governors Island to the Battery Park Building. The building would be renovated but no building demolition or construction would be involved.

(b) Military Ocean Terminal Bayonne, NJ: The proposed action would relocate the Aids to Navigation Team (ANT) and nine Coast Guard vessels currently stationed at Governors Island to Bayonne, New Jersey. Cutters that would be relocated at Bayonne include the U.S. Coast Guard (USCGC) RED BEECH (a 157-foot buoy tender), USCGC PENOBSCOT BAY (a 140-foot cutter), USCGC STURGEON BAY (a 140-foot cutter), two 65-foot tugboats, two 46-foot buoy tenders, and two 21-foot vessels. Construction activities would include wharf improvements, new floating docks, a new fuel system, and new shore ties. A new building would be constructed for the ANT team for new facilities, storage, and parking. Storage areas would be used for hazardous materials (batteries, paints, solvents, and lubricants) and storage for vehicles, trailer-mounted vessels, and ANT supplies.

(c) Rosebank, Staten Island: The proposed action would relocate Station New York from Governors Island to Rosebank on Staten Island. Six search and rescue vessels and related equipment would be relocated at Rosebank. New construction would include the replacement of existing piers, the addition of wave screens, and the addition of a new fueling system for these vessels. Two buildings would be demolished and replaced, and existing housing in two other buildings would be renovated.

(d) Wadsworth, Staten Island: The proposed action would relocate Group New York administrative offices, the Vessel Traffic Service (VTS) control room, and the Marine Safety Office to Wadsworth on Staten Island. No vessels would be relocated to this facility. Construction activities would include the renovation of one building and a portion of an existing building, and the demolition of three buildings for new parking areas.

(e) Sandy Hook, NJ: The proposed action would relocate Group New York engineering functions to Sandy Hook, in New Jersey. No vessels would be relocated to this facility.

Construction activities would include the renovation of the Administrative building and boathouse, demolition of the Maintenance and Repair building, the construction of a new Group Engineering building, and parking improvements.

Two alternatives for the closure of Coast Guard facilities at Governors Island are discussed in the Environmental Assessment: closure with standard maintenance, and closure with basic maintenance. Under both alternatives, the relocation of tenant commands would be the same. The standard maintenance alternative would provide utility maintenance, full-time fire and security service, and full building maintenance, consistent with the historic landmark maintenance plan. The basic maintenance alternative would limit government maintenance expenditures to the least amount feasible. A third alternative, the no action alternative, assumes the continued operation of Support Center New York on Governors Island.

The standard maintenance alternative is the preferred alternative. This alternative was determined to have no significant environmental impacts. Consequently, preparation of an Environmental Impact Statement is not required to implement this alternative.

Kent H. Williams,

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

[FR Doc. 95–13412 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

[Change to AC No. 120–42A]

Proposed Appendix 7, Reduction of Operator's Inservice Experience Requirement Prior to the Granting of an ETOPS Operational Approval [Accelerated ETOPS Operational Approval), to Advisory Circular 120–42A, Extended Range Operation with Two-Engine Airplanes (ETOPS).

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on proposed Appendix 7 to AC 120–42A.

SUMMARY: Appendix 7 has been developed as an alternate way for air carriers to make ETOPS application as specified in Advisory Circular 120–42A.

DATES: Comments must be submitted on or before July 17, 1995.

ADDRESSES: Send all comments and requests for copies of the proposed Appendix 7 to: Federal Aviation Administration, Program Management Branch, AFS–260, 800 Independence Avenue SW., Washington, DC 20591; or deliver comments to this same address, Room 834.

FOR FURTHER INFORMATION CONTACT: Eric van Opstal, AFS–260, at the above address; telephone (202) 267–3774.

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments on the Accelerated-ETOPS Appendix 7 are solicited, and may be mailed or delivered to the address stated above. Comments may also be electronically uploaded to the FAA, AFS–200 Computer Bulletin Board System (BBS). The telephone number to access the AFS–200 BBS is (202) 267–5231. Comments received through the BBS will be printed in hard copy and maintained on file. Copies of this document may also be received by contacting the office at the above address.

Background

AC 120–42A provides criteria and guidance for the amount of operational inservice experience on specific airframe/engine combination by air carriers in order to obtain FAA operational approval for various levels of ETOPS. There are three levels of ETOPS operational approval. Each level is based on the one engine inoperative diversion time in minutes that the airplane may operate from a suitable alternate landing field.

—75-minute extended range operation may be approved for air carriers with minimal or no inservice experience with the airframe/engine combination.

—120-minute extended range operations may be granted air carriers that have previously gained 12 consecutive months of operational inservice experience with the airframe/engine combination.

—180-minute extended range operations may be granted air carriers that have previously gained 12 consecutive months of operational inservice experience with the specified airframe/engine combination in conducting 120-minute extended range (ETOPS) operations.

The material in Appendix 7 would provide guidance for air carriers that wish to apply an accelerated approach in obtaining higher levels of ETOPS diversion authority. Advisory Circular 120–42A, paragraph 9b, allows for a reduction of the specified inservice experience guidelines with the concurrence of the Flight Standards Service Director.

The Appendix 7 material was jointly developed by participants from the airline industry and manufacturing, the FAA, and other State regulatory authorities. The material has been coordinated and harmonized with the European Joint Aviation Authorities (JAA). The FAA and JAA have agreed that Appendix 7 provides an acceptable means for air carriers to apply for an Accelerated-ETOPS program.

Issued in Washington, D.C., on May 17, 1995.

William J. White,

Deputy Director, Flight Standards Service.

[FR Doc. 95–13403 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–M

Approval of Revision to the Approved Noise Compatibility Program for San Diego International Airport-Lindbergh Field, San Diego, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Revision to the Approved Noise Compatibility Program submitted by the San Diego Unified Port District for San Diego International Airport—Lindbergh Field (SAN), San Diego, California, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) (hereinafter referred to as ''the Act'') and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-federal responsibilities in Senate Report No. 96–52 (1980). This revision was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps, submitted under 14 CFR Part 150, were in compliance with applicable requirements effective January 30, 1989. On May 11, 1995, the Assistant Administrator for Airports approved the revision to the Noise Compatibility Program for SAN. This revision provides sound attenuation of four public schools and one private school all located within the 65 dB CNEL contour.

EFFECTIVE DATE: The effective date of the FAA's approval for the Revision to the Approved NCP San Diego International Airport's revised Noise Compatibility Program is May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Charles B. Lieber, Airport Planner, Airports Division, AWP–611.1, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007. Telephone number (310) 297–1621. Street address: 15000 Aviation Boulevard, Hawthorne, California 90261. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval of the Revision to the Approved Noise Compatibility Program for San Diego International Airport-Lindbergh Field, effective May 11, 1995.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (herein after referred to as the ''Act''), an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non compatible land uses and prevention of additional non compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non compatible land uses around the airport and preventing the introduction of additional non compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government and;

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of navigable airspace and air traffic control responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an Airport Noise Compatibility Program are delineated in

FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State or local law. Approval does not, by itself, constitute an FAA implementation action. A request for Federal action or approval to implement specific Noise Compatibility Measures may be required and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982, as amended. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Hawthorne, California.

The San Diego Unified Port District submitted to the FAA on November 7, 1986 and December 11, 1987, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 1985 through September 1989. The San Diego International Airport-Lindbergh Field noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 30, 1989. Notice of this determination was published in the **Federal Register** on March 30, 1989.

The San Diego International Airport-Lindbergh Field study contained a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on December 5, 1990 and was required by a provision of the Act to approve or disapprove the program within 180-days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed an approval of such program. The Noise Compatibility Program was approved by the FAA on June 5, 1991. On February 10, 1995, the FAA began its review of the Revision to the approved program and was required by a provision of the Act to approve or disapprove the program within 180-day (other than the use of new flight procedures for noise control).

The submitted revision to the program contained one proposed action for installation of sound insulation of four (4) public schools one (1) private school inside the 65 dB CNEL contour. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The revision to the program was approved by the Assistant Administrator for Airports effective May 12, 1995.

Outright approval was granted for one (1) new noise program measure for installation of sound insulation of four (4) public schools and one (1) private school inside the 65 dB CNEL contour.

This determination is set forth in detail in a Record of Approval endorsed by the Associate Administrator for Airports on May 11, 1995. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the San Diego Unified Port District, San Diego, California.

Issued in Hawthorne, California on May 17, 1995.

Robert C. Bloom,

Acting Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 95–13404 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–M

Air Traffic Control Tower; Grand Prairie, TX

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of Commissioning.

SUMMARY: Notice is hereby given that on or about June 1, 1995, the airport traffic control tower at Grand Prairie Municipal Airport, Grand Prairie, Texas, will be commissioned. Hours of operation for the tower will be published in the Airport/Facility Directory. The designated facility identification for the airport control tower will be: Grand Prairie Tower.

Communications with the tower should be directed to:

Midwest ATC, 3102 S. Great Southwest Parkway, P.O. Box 53405, Grand Prairie, TX 75053–4045.

Authority: 49 U.S.C. app. 1348, 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.

Issued in Fort Worth, Texas, on May 8, 1995.

Clyde DeHart, Jr.,

Regional Administrator, Southwest Region.

[FR Doc. 95–13405 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Virginia Counties of Spotsylvania and Stafford and the City of Fredericksburg

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared to investigate transportation alternatives for a proposal transportation corridor between the Virginia Counties of Spotsylvania and Stafford.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce J. Turner, Transportation Planner, Federal Highway Administration, The Dale Building, Suite 205, 1504 Santa Rosa Road, Richmond, Virginia 23229, Telephone: (804) 281–5111.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Virginia Department of Transportation, will prepare an environmental impact statement (EIS) for various alternatives develop to alleviate congestion and provide a transportation corridor west of the City of Fredericksburg on new location from Route 3 in Spotsylvania County to Route 1 in Stafford County and to relieve traffic congestion on existing Routes 3 and 17. The proposed corridor consists of a multi-lane, controlled access roadway and would include a new bridge across the Rappahannock River. The project is estimated to be approximately 14 miles in length. A major metropolitan transportation investment study will be completed in accordance with 23 CFR 450 Subpart C.

Possible alternative to be considered will likely include multi-modal transportation alternatives, the improvement of existing facilities, and new construction. The no-build alternative will be considered throughout the study.

Letter describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this study. A series of public meetings will be held within the study area beginning in the summer of 1995. Additional public outreach will occur through the issuance of project newsletters and the establishment of a study hotline which can be called at no cost within the Commonwealth of Virginia. The toll-free hotline number is 1 (800) 862–1386. The draft EIS will be available for public and agency review

and comment prior to a formal public hearing.

To ensure that the full range of issues related to this project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.204, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this proposed action)

Issued on: May 22, 1995.

Roberto Fonseca—Martinez,

Division Administrator, Richmond, Virginia.

[FR Doc. 95–13298 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

Petition for Exemption or Waiver of Compliance

In accordance with Title 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for exemptions from or waivers of compliance with requirements of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number LI–95–3) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received within 45 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

Union Pacific Railroad Company (UP), Chicago and North Western Railway Company (CNW) (Waiver Petition Docket Number LI–95–5)

Union Pacific Railroad Company (UP) and Chicago and North Western Railway Company (CNW) jointly seek a temporary waiver of compliance with certain provisions of the Locomotive Safety Standards (Title 49 CFR Part 229) for certain locomotives. UP/CNW are seeking relief from the requirements of §§ 229.5 and 229.135 that all trains operating over 30 mph shall be equipped with an event recorder that records cab signal indications, when equipped with cab signals, by May 5, 1995. UP/CNW requests an extension of 12-months.

The Locomotive Safety Standards were revised on July 8, 1993, to require each lead locomotive of trains operating over 30 mph to be equipped with an event recorder by May 5, 1995. An event recorder, by definition, shall record cab signal aspects where the locomotive is so equipped. UP/CNW each have cab signal systems, however, the two systems are not compatible. Locomotives which operate jointly in cab signal territory on both railroads are equipped with both types of cab signals but record only the cab signal aspect of the owning railroad. If a CNW locomotive operates in the lead position when in UP cab signal territory, the train will be under the control of the cab signals, however, the aspects will not be recorded. Likewise, if a UP locomotive is in the controlling position when operating in CNW cab signal territory, the signal aspect will not be recorded.

To record both cab signal systems will require extensive modifications. UP/CNW have been working on a resolution to the issues, however, they will not have a solution in place by the May 5 requirement deadline. To permit the necessary time to resolve certain issues and complete the modifications in a manner that is efficient, reasonably economical and, above all, safe, UP and CNW request a temporary waiver until May 5, 1996.

National Railroad Passenger Corporation (Amtrak) (Waiver Petition Docket Number LI–95–3)

The National Railroad Passenger Corporation (Amtrak) seeks waivers of compliance with certain provisions of the Locomotive Safety Standards (Title 49 CFR Part 229) for their locomotives. Amtrak is seeking relief from the requirements of § 229.5 which requires that locomotive event recorders record the direction of motion and from Section 229.135 which requires that all trains operating over 30 mph shall be equipped with an event recorder by May 5.

The Locomotive Safety Standards were revised on July 8, 1993, to require each lead locomotive of trains operating over 30 mph to be equipped with an event recorder by May 5. The railroad states that although material is on hand to equip all of their passenger locomotives, the seven to ten days out-of-service time required for each installation will extend the completion date beyond the May 5 deadline. Thirty switcher locomotives used in work train service must also be equipped since they operate over 30 mph. Amtrak is requesting a 24-month extension to bring all recording systems into compliance.

Section 229.5 specifies the parameters which must be recorded by the event recorders. Amtrak does not record the direction of motion on their passenger locomotives, as required, since these locomotives almost never operate only in the reverse direction on mainline track. With the limited capacity of recorders, Amtrak feels that other parameters (such as horn or alertor cutout) are more important to their operation. Therefore, Amtrak is requesting a waiver from the requirement to record direction of motion on their passenger locomotives. The 30 switcher locomotives will be in full compliance with the regulation. The railroad estimates it would cost approximately $500 per locomotive to retrofit the direction feature to their recorders.

Crab Orchard and Egyptian Railroad (COER) (Waiver Petition Docket Number RSGM–95–6)

The Crab Orchard and Egyptian Railroad (COER) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for one locomotive. The locomotive is an EMD Model SW–1 switcher built in 1953 and is presently equipped with safety glass. The railroad has upgraded the recently purchased locomotive to FRA standards; however, it indicates that it has been unable to secure the exact glass and hardware to comply with Part 223. The COER operates on approximately 15 miles of track in rural southern Illinois. The railroad states

there have been no incidents of vandalism regarding glazing.

C&S Railroad Corporation (CSKR) (Waiver Petition Docket Number RSGM–95–7)

The C&S Railroad Corporation (CSKR) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (Title 49 CFR Part 223) for one locomotive. The locomotive, STRT 11, an EMD 900 HP switcher built in 1937, is currently covered by waiver Docket Number RSGM–88–19 on the Stewartstown Railroad. The locomotive will be transferred to operate on CSKR. The CSKR operates on approximately 18 miles of track between Packerton Junction, Jim Thorpe and Haucks, Pennsylvania. Maximum track speed is 15 mph through the mostly rural area. The locomotive will be used approximately once per week.

Issued in Washington, D.C. on May 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 95–13427 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–6–P

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from the Requirements of Title 49 CFR Part 236

Pursuant to Title 49 CFR Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of Title 49 CFR Part 236 as detailed below.

Block Signal Application (BS–AP)-No. 3354

Applicants: CSX Transportation, Incorporated, Mr. D.G. Orr, Chief Engineer—Train Control, 500 Water Street (S/C J–350), Jacksonville, Florida 32202; Norfolk Southern Corporation, Mr. J.W. Smith, Chief Engineer—C&S Communication and Signal Department, 99 Spring Street, S.W., Atlanta, Georgia 30303.

CSX Transportation, Incorporated (CSX) and Norfolk Southern Corporation (NS) jointly seek approval of the proposed discontinuance and removal of the automatic interlocking at 29th Street, milepost 737.0, Birmingham, Alabama, CSX Mobile Division, Boyles Subdivision, where the single CSX main track crosses at grade the single NS yard track. The proposed changes consist of the discontinuance and removal of four interlocking signals, installation of a swing gate normally lined for CSX movements, and government of train operations by Yard Limit Rules.

The reasons given for the proposed changes is to eliminate facilities no longer needed for present day operation.

BS-AP-No. 3355

Applicants: Consolidated Rail Corporation, Mr. J.F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410; Norfolk Southern Corporation, Mr. J.W. Smith, Chief Engineer—C&S, Communication and Signal Department, 99 Spring Street, S.W., Atlanta, Georgia 30303; Indiana Harbor Belt Railroad Company, Mr. C.H. Allen, General Manager, 2721–161st Street, P. O. Box 389, Hammond, Indiana 46325; Northern Indiana Commuter Transportation District, Mr. Victor R. Babin, General Manager, 601 North Roeske Avenue, Michigan City, Indiana 46360–2669.

Consolidated Rail Corporation (Conrail), Norfolk Southern Railway Company (NS), Indiana Harbor Belt Railroad Company (IHB), and Northern Indiana Commuter Transportation District (NICD) jointly seek approval of the proposed modifications to the signal system, on Conrail's S.C.& S Branch, Dearborn Division, between ''Hegewisch'' Interlocking, milepost 3.9 and ''Calumet Park'', milepost 5.5, South Chicago, Illinois, consisting of the following:

1. The discontinuance and removal of the traffic control system on the single main track between ''Hegewisch'' Interlocking and ''Calumet Park'', and operate as an Industrial Track;
2. The discontinuance and removal of ''Hegewisch'' Interlocking, milepost 3.9;
3. The conversion of Conrail's 2N and 2S signals at ''Burnham'' Interlocking, milepost 4.6, from operator controlled to automatic operation;
4. The conversion of NICD's 4E, 4W, 6E, and 6W signals at ''Burnham'' Interlocking, milepost 4.6, from operator controlled to automatic operation; and
5. The relocation of control to the NS Bridge Operator of the remaining NS signals and switches at ''Burnham'' Interlocking, milepost 4.6.

The reason given for the proposed changes is to retire facilities no longer required for present operation.

BS-AP-No. 3356

Applicants: Norfolk Southern Corporation, Mr. J.W. Smith, Chief Engineer—C&S, Communication and Signal Department, 99 Spring Street, S.W., Atlanta, Georgia 30303; CSX Transportation, Incorporated, Mr. D.G. Orr, Chief Engineer—Train Control, 500 Water Street (S/C J–350), Jacksonville, Florida 32202.

The Norfolk Southern Corporation (NS) and CSX Transportation, Incorporated (CSX) jointly seek approval of the proposed discontinuance and removal of the automatic interlocking at South Lima Yard, Ohio, milepost SP91.5, on the NS Lake Division, Frankfort District, where a single CSX yard track intersects with two NS yard tracks and one NS main track, through a series of hand-throw crossover switches. The proposed changes consist of the discontinuance and removal of all associated signals and government of train operations by Yard Limit Rules.

The reasons given for the proposed changes is to eliminate facilities no longer needed for present day operation.

Rules Standards & Instructions Application (RS&I-AP) No. 1095

Applicant: Consolidated Rail Corporation, Mr. J.F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410.

Consolidated Rail Corporation (Conrail) seeks relief from the requirements of the Rules, Standard and Instructions, 49 CFR, Part 236, § 236.566, to the extent that Conrail be permitted to operate non-equipped Norfolk Southern locomotives, with or without cars, not exceeding 20 mph, on Track No. 1 and Track No. 2, between milepost 131.3, ''Landover'' Interlocking and milepost 136.7, ''CP Virginia'' Interlocking, near Washington, D.C, on the Landover Line, Harrisburg Division.

The applicant's justification for relief is to seek similar easement for the NS on this line, predicated upon existing relief for Conrail work trains and trains operating in switching service, as well as CSX trains, between ''CP Anacostia'' and ''CP Virginia.''

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing.

However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 95–13428 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–06-P

National Highway Traffic Safety Administration

[Docket No. 95–46; Notice 1]

Notice of Receipt of Petition for Determination that Nonconforming 1972 through 1976 Bristol VRT Buses Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for comments on petition for determination that nonconforming 1972 through 1976 Bristol VRT buses are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a determination that 1972 through 1976 Bristol VRT buses that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being modified to comply with, all such standards.

DATES: The closing date for comments on the petition is July 3, 1995.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm.]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202) 366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

Double Decker bus Company of Denver, Colorado (Registered Importer No. R–93–015) has petitioned NHTSA to determine whether 1972 through 1976 Bristol VRT buses are eligible for importation into the United States. The petitioner contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being modified to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that 1972 through 1976 Bristol VRT buses have safety features that comply with Standard Nos. 102 Transmission Shift Lever Sequence . . . (based on documentation illustrating transmission braking effect, schematic diagram indicating starter interlock protection, and photograph showing shift lever positions), 103 Defrosting and Defogging Systems (based on statement and photograph indicating that system incorporates electrically heated elements and coolant heated air blowers), 104 Windshield Wiping and Washing Systems (based on statement and photographs indicating that system is pneumatically driven and offers full coverage of windshield at two set speeds and intermittently), 107 Reflecting Surfaces (based on statement and photographs indicating that reflective glare is kept to a minimum in the driver's cab through the use of matt black paint on the windshield wipers, the rearview mirror frame, the dash, and the cab walls), 120 Tire Selection and Rims for Motor Vehicles other than Passenger Cars (based on statements and photographs showing certification markings on tires and rims, and describing contents of tire information placard), 121 Air Brake Systems (based on statement, photographs, and specifications indicating that vehicles are equipped with an air compressors and associated equipment that provides greater cut-in pressure than 85 p.s.i.), 124 Accelerator Control systems (based on statement and photographs indicating that throttle return is provided by pneumatic valve, supplemented by a spring loaded foot pedal and photographs showing pneumatic accelerator resetting is less than one second), 205 Glazing Materials (based on statement and photographs showing that glazing materials bear DOT certification markings), 207 Seating Systems, (based on statement and photographs indicating that ample room exists for passengers to move in and out of their seats and that seats are securely mounted to vehicle floor) 217 Bus Window Retention and Release (based on statement describing window retention test procedures and results, and calculations indicating size and distribution of emergency exits), and 302 Flammability of Interior Materials (based on photographs and statements indicating composition of upholstery, and describing test procedures and results).

The petitioner also contends that 1972 through 1976 Bristol VRT buses are capable of being modified to comply with the following standards, in the manner indicated:

Standard No. 101 Controls and Displays: (a) Installation of a potentiometer wired in series to provide variation in panel lighting; (b) installation of dash-mounted high beam telltale; (c) installation of U.S.-model license plate lamp.

Standard No. 106 Brake Hoses: replacement of flexible brake hoses on front wheels with U.S.-model parts.

Standard No. 108 Lamps, Reflective Devices, and Associated Equipment: installation of the following equipment bearing DOT certification markings: (a)

two sealed beam headlamps, three amber identification lamp clusters, two amber clearance lamps, and two amber length and height markers at the front end of the vehicle; (b) three red identification lamp clusters, two red clearance lamps, two red length and height markers, two red side marker/reflectors, and one license plate illumination lamp at the rear end of the vehicle; (c) two amber reflectors at the midsection of the vehicle's right side; (d) two amber reflectors at the midsection of the vehicle's left side.

Standard No. 111 Rearview Mirrors: replacement of the rearview mirrors with U.S.-model parts providing unity magnification in excess of 50 square inches of reflective surface and affording the driver a clear and unobstructed view of the area around both sides of the vehicle.

Standard No. 125 Warning Devices: procurement of three U.S.-model reflective warning triangles to be carried on vehicle.

Standard No. 208 Occupant Crash Protection: installation of a U.S.-model Type 2 seat belt at the driver's position.

Standard No. 209 Seat Belt Assemblies: installation of a U.S. model Type 2 seat belt at the driver's position.

Standard No. 210 Seat Belt Assembly Anchorages: use of 16–20UNF–2A hardened bolts, flat washers, lock washers, and nuts as anchorage hardware.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 26 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–13425 Filed 5–31–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

May 22, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0164.

Form Number: ATF F 3069 (5200.7).

Type of Review: Extension.

Title: Schedule of Tobacco Products, Cigarette Papers or Tubes Withdrawn from the Market.

Description: ATF F 3069 (5200.7) is used by persons who intend to withdraw tobacco products from the market for which the tax has already been paid or determined. The form describes the products that are to be withdrawn to determine the amount of tax to be claimed later as a tax credit or refund. The form notifies ATF when withdrawal or destruction is to take place, and ATF may elect to supervise withdrawal or destruction.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 119.

Estimated Burden Hours Per Respondent: 45 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,071 hours.

OMB Number: 1512–0336.

Recordkeeping Requirement ID Number: ATF REC 5150/2.

Type of Review: Extension.

Title: Letterhead Applications and Notices Relating to Denatured Spirits.

Description: Denatured spirits are used for nonbeverage industrial purposes in the manufacture of personal/household products. Permits/Applications control the authorized uses and flow. Tax revenue and public safety is protected.

Respondents: Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Recordkeepers: 3,111.

Estimated Burden Hours Per Recordkeeper: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,556 hours.

OMB Number: 1512–0337.

Recordkeeping Requirement ID Number: ATF REC 5150/1.

Type of Review: Extension.

Title: Usual and Customary Business Records Relating to Denatured Spirits.

Description: Denatured spirits are used for nonbeverage industrial purposes in the manufacture of personal household products. Records ensure spirits accountability. Tax revenue and public safety are protected.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Estimated Number of Recordkeepers: 3,111.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Frequency of Response: Other.

Estimated Total Recordkeeping Burden: 1 hour.

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 95–13414 Filed 5–31–95; 8:45 am]

BILLING CODE 4810–31–P

Public Information Collection Requirements Submitted to OMB for Review

May 22, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of the Public Debt (BPD)

OMB Number: 1535–0069.

Form Number: PD F's 5174–1, 5174–3, 5174–4, 5176–1, 5176–2, 5176–3, 5178, 5179, 5180, 5182, 5188, 5189, 5191, 5201, 5261, 5235, 5236, 5181.

Type of Review: Extension.

Title: Treasury Direct Forms.

Description: These forms are used to purchase and maintain Treasury Bills, Notes and Bonds.

Respondents: Individuals or households.

Estimated Number of Respondents:

Form	Respondents
PD F 5174–1	25,845
PD F 5174–3	13,610
PD F 5174–4	3,912
PD F 5176–1	96,390
PD F 5176–2	48,190
PD F 5176–3	9,035
PD F 5178	2,000
PD F 5179	2,000
PD F 5180	4,000
PD F 5181	70,000
PD F 5182	3,000
PD F 5188	1,500
PD F 5189	1,950
PD F 5191	1,200
PD F 5201	1,500
PD F 5235	500
PD F 5236	2,000
PD F 5261	150,000
Total	436,632

Estimated Burden Hours Per Response:

Form	Response time (minutes)
PD F 5174–1	10
PD F 5174–3	10
PD F 5174–4	10
PD F 5176–1	10
PD F 5176–2	10
PD F 5176–3	10
PD F 5178	10
PD F 5179	10
PD F 5180	10
PD F 5181	5
PD F 5182	10
PD F 5188	10
PD F 5189	10
PD F 5191	10
PD F 5201	10
PD F 5235	10
PD F 5236	10
PD F 5261	5

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 57,795.

Clearance Officer: Vicki S. Ott (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 95–13415 Filed 5–31–95; 8:45 am]

BILLING CODE 4810–40–P

Public Information Collection Requirements Submitted to OMB for Review

May 22, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0086.

Form Number: IRS Form 4010–C.

Type of Review: Extension.

Title: U.S. Departing Alien Income Tax Return.

Description: Form 1040–C is used by aliens departing the U.S. to report income received or expected to be received for the entire year. The data collected are used to insure that the departing alien has no outstanding U.S. tax liability. Affected public are aliens departing the U.S.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 2,000.

Estimated Burden Hours Per Respondent/Recordkeepers:

Recordkeeping: 2 hr., 5 min.

Learning about the law or the form: 45 min.

Preparing the form: 2 hr., 19 min.

Copying, assembling, and sending the form to the IRS: 1 hr., 13 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 11,532.

OMB Number: 1545–0137.

Form Number: IRS Form 2032.

Type of Review: Extension.

Title: Contract Coverage Under Title II of the Social Security Act.

Description: American employers can enter into an agreement to extend social security coverage to U.S. citizens and resident aliens employed abroad by foreign affiliates.

Respondents: Individuals or households, Business or other for-profit, Federal Government.

Estimated Number of Respondents/Recordkeepers: 160.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 2 hr., 9 min.

Learning about the law or the form: 18 min.

Preparing and sending the form to the IRS: 20 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 448 hours.

OMB Number: 1545–0197.

Form Number: IRS Form 5300.

Type of Review: Revision.

Title: Application for Determination for Employee Benefit Plan.

Description: IRS needs certain information on the financing and operating of employee benefit and employee contribution plans set up by employers. IRS uses Form 5300 to obtain the information needed to determine whether the plans qualify under Code sections 401(a) and 501(a).

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 300,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 21 hr., 46 min.

Learning about the law or the form: 6 hr., 18 min.

Preparing the form: 8 hr., 47 min.

Copying, assembling, and sending the form to the IRS: 32 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 11,217,000 hours.

OMB Number: 1545–0229.

Form Number: IRS Form 6406.

Type of Review: Extension.

Title: Short Form Application for Determination for Amendment of Employee Benefit Plan.

Description: This form is used by certain employee plans who want a determination letter or an amendment to the plan. The information gathered will be used to decide whether the plan is qualified under section 401(a).

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 16,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 12 hr., 55 min.

Learning about the law or the form: 3 hr., 23 min.

Preparing the form: 6 hr., 32 min.

Copying, assembling, and sending the form to the IRS: 48 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 378,240 hours.

OMB Number: 1545–0747.

Form Number: IRS Form 5498.

Type of Review: Extension.

Title: Individual Retirement Arrangement Information.

Description: Form 5498 is used by trustees and issuers to report

contributions to and the fair market of an individual retirement arrangement.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 45,300.

Estimated Burden Hours Per Respondent: 7 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 6,686,640 hours.

OMB Number: 1545–0901.

Form Number: IRS Form 1098.

Type of Review: Extension.

Title: Mortgage Interest Statement.

Description: Form 1098 is used to report $600 or more of mortgage interest received from an individual in the course of the mortgagor's trade or business.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents: 171,000.

Estimated Burden Hours Per Respondent: 7 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 6,840,000 hours.

OMB Number: 1545–0908.

Form Number: IRS Forms 8282 and 8383.

Type of Review: Extension.

Title: Donee Information Return (Sale Exchange or Other Disposition of Donated Property) (8282); and Noncash Charitable Contributions (8283).

Description: Regulations section 1.170A–13(c) requires donors of property valued over $5,000 to file certain information with their return in order to receive the deduction. Donees must also inform the IRS if they dispose of the property within two years.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 1,501,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 8282	Form 8283
Recordkeeping	3 hr., 7 min.	20 min.
Learning about the law or the form	30 min.	26 min.
Preparing the form	34 min.	35 min.
Copying, assembling, and sending the form to the IRS	0 min.	35 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 2,899,180 hours.

OMB Number: 1545–0990.

Form Number: IRS Form 8610.

Type of Review: Extension.

Title: Annual Low-Income Housing Credit Agencies Report.

Description: Form 8610 is used by state and local low-income housing credit agencies to transmit copies of Form 8609 to the IRS.

Respondents: State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 4 hr., 18 min.

Learning about the law or the form: 1 hr., 0 min.

Preparing and sending the form to the IRS: 1 hr., 17 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 641 hours.

OMB Number: 1545–1132.

Regulation ID Number: INTL–536–89 Final.

Type of Review: Extension.

Title: Registration Requirements with Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984.

Description: The Internal Revenue Service needs the information in order to ensure that purchasers of bearer obligations are not U.S. persons (other than those permitted to hold obligations under section 165(j)) and to ensure that U.S. persons holding bearer obligations properly report income and gain on such obligations. The people reporting will be financial institutions holding bearer obligations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 5,000.

Estimated Burden Hours Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 852 hours.

OMB Number: 1545–1274.

Form Number: IRS Form 8453–NR.

Type of Review: Extension.

Title: U.S. Nonresident Alien Income Tax Declaration for Magnetic Media Filing.

Description: This form will be used to secure taxpayer signatures and declarations in conjunction with the Magnetic Media Filing program. This form, together with the electronic transmission will comprise the taxpayer's income tax return.

Respondents: Individuals or households.

Estimated Number of Respondents: 5,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 1,250 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 95–13416 Filed 5–31–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

May 24, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0015.

Form Number: IRS Form 706 and Schedules.

Type of Review: Extension.

Title: United States Estate (and Generation-Skipping Transfer) Tax Return.

Description: Form 706 is used by executors to report and compute the Federal Estate Tax imposed by Internal Revenue Code (IRC) section 2001, the Federal Generation-Skipping Transfer (GST) tax imposed by IRC section 2601,

and the additional Estate Tax imposed by Code section 4980A. IRS uses the information to enforce these taxes and to verify that the tax has been properly computed.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 65,000.

Estimated Burden Hours Per Respondent/Recordkeepers:

Form/Sched	Record-keeping	Learning about law of the form	Preparing the form	Copying, assemblying, and sending the form to the IRS
706	2 hr., 11 min	1 hr., 9 min	3 hr., 26 min	49 min.
Sched. A	20 min	16 min	10 min	20 min.
Sched. A–1	46 min	25 min	59 min	49 min.
Sched. B	20 min	10 min	11 min	20 min.
Sched. C	13 min	2 min	8 min	20 min.
Sched. D	7 min	6 min	8 min	20 min.
Sched. E	40 min	7 min	24 min	20 min.
Sched. F	33 min	6 min	21 min	20 min.
Sched. G	26 min	18 min	11 min	14 min.
Sched. H	26 min	6 min	10 min	14 min.
Sched. I	26 min	25 min	11 min	20 min.
Sched. J	26 min	5 min	16 min	20 min.
Sched. K	26 min	9 min	10 min	20 min.
Sched. L	13 min	5 min	10 min	20 min.
Sched. M	13 min	31 min	24 min	20 min.
Sched. O	20 min	9 min	18 min	17 min.
Sched. P	7 min	14 min	18 min	14 min.
Sched. Q	7 min	10 min	11 min	14 min.
Sched. Q Worksheet	7 min	10 min.	59 min	20 min.
Sched. R	20 min	34 min	1 hr., 1 min	49 min.
Sched. R–1	7 min	29 min	24 min	20 min.
Sched. S	26 min	22 min	37 min	25 min.
Continuation	20 min	3 min	7 min	20 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 1,436,265 hours.

OMB Number: 1545–0152.

Form Number: IRS Form 3115 and Schedules.

Type of Review: Extension.

Title: Application for Change in Accounting Method.

Description: Form 3115 is used by taxpayers who wish to change their method of computing their taxable income. The form is used by the IRS to determine if electing taxpayers have met the requirements and are able to change to the method requested.

Respondents: Business or other for-profit, Individuals or households, Farms.

Estimated Number of Respondents/Recordkeepers: 6,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/Sched.	Record-keeping	Learning about the law or the form	Preparing and sending the form to the IRS
3115	20 hr., 5 min	3 hr., 38 min	5 hr., 20 min.
Sched. A	23 hr., 12 min	1 hr., 58 min	3 hr., 38 min.
Sched. B	4 hr., 18 min	1 hr., 4 min	2 hr., 23 min.
Sched. C	26 hr., 47 min	3 hr., 11 min	3 hr., 45 min.
Sched. D	14 hr., 21 min	2 hr., 23 min	2 hr., 44 min

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 358,091 hours.

OMB Number: 1545–0232.

Form Number: IRS Form 6497.

Type of Review: Extension.

Title: Information Return of Nontaxable Energy Grants or Subsidized Energy Financing.

Description: Form 6497 is used by any governmental agency or its agents that make nontaxable grants or subsidized financing for energy conversation or production programs IRS uses the information from the form to ensure that recipients have not claimed tax credits or other benefits with respect to the grant or subsidized financing (no ''double dipping'').

Respondents: Business or other for-profit, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 250.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 2 hr., 23 min.

Learning about the law or the form: 18 min.

Preparing, copying, and sending the form to the IRS: 21 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 760 hours.

OMB Number: 1545–0245.

Form Number: IRS Form 6627.

Type of Review: Extension.

Title: Environmental Taxes.

Description: Form 6627 is attached to Form 720 to compute and collect tax on petroleum, chemicals, imported chemical substances, and ozone-depleting chemicals.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 2,445.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 21 hr., 2 min.

Learning about the law or the form: 6 min.

Preparing, copying, assembling, and sending the form to the IRS: 26 min.

Frequency of Response: Quarterly.

Estimated Total Reporting/ Recordkeeping Burden: 33,431 hours.

OMB Number: 1545–0534.

Form Number: IRS Form 5303.

Type of Review: Extension.

Title: Application for Determination for Collectively Bargained Plan.

Description: IRS uses Form 5303 to get information needed about the finances and operation of employee benefit plans set up by employers under a collective bargaining agreement. The information obtained on Form 5303 is used to make a determination on whether the plan meets the requirements to qualify under section 401(a) and whether the related trust qualifies for exemption under section 501(a) of the Code.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 2,500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 31 hr., 34 min.

Learning about the law or the form: 5 hr., 50 min.

Preparing the form: 10 hr., 20 min.

Copying, assembling, and sending the form to the IRS: 1 hr., 4 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 122,050 hours.

OMB Number: 1545–1243.

Regulation ID Number: PS–163–84 Final.

Type of Review: Extension.

Title: Treatment of Transaction Between Partners and Partnerships.

Description: Section 707(a)(2) provides that if there are transfers of money or property between a partner and a partnership, the transfer will be treated, in certain situations, as a disguised sale between the partner and the partnership. The regulations provide that the partner or the partnership should disclose the transfers and certain attendant facts in some situations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 7,500.

Estimated Burden Hours Per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 2,500 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–13417 Filed 5–31–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review.

May 25, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0121.

Form Number: IRS Form 1116.

Type of Review: Revision.

Title: Foreign Tax Credit—Individual, Fiduciary, or Nonresident Alien Individual.

Description: Form 1116 is used by individuals (including nonresident aliens) and fiduciaries who paid foreign income taxes on U.S. taxable income, to compute the foreign tax credit. This information is used by IRS to verify the foreign tax credit.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 589,900.

Estimated Burden Hours Per Respondent/Recordkeepers:

Recordkeeping: 2 hr., 44 min.

Learning about the law or the form: 46 min.

Preparing the form: 1 hr., 53 min.

Copying, assembling, and sending the form to the IRS: 55 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 3,380,128 hours.

OMB Number: 1545–0213.

Form Number: IRS Form 5578.

Type of Review: Extension.

Title: Annual Certification of Racial Nondiscrimination for a Private School Exempt From Federal Income Tax.

Description: Form 5578 is used by private schools that do not file Schedule A (Form 990) to certify that they have a racially nondiscriminatory policy toward students as outlined in Rev. Proc. 75–50. The Internal Revenue Service uses the information to help ensure that the school is maintaining a nondiscriminatory policy in keeping with its exempt status.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/ Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 2 hr., 52 min.

Learning about the law or the form: 53 min.

Preparing and sending the form to the IRS: 59 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 4,750 hours.

OMB Number: 1545–0773.

Regulation ID Number: LR–90–84 Final (T.D. 8172).

Type of Review: Extension.

Title: Notice Requires of Executor or Receiver Regulations Section 301.6036–1.

Description: Internal Revenue Code (IRC) section 6036 requires executors or receivers to advise the district director of their appointment or authorization to act. This information is necessary so that IRS will know of the proceedings and who to contact for delinquent returns or taxes.

Respondents: Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: Other (Nonrecurring).

Estimated Total Reporting Burden: 12,500 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–13418 Filed 5–31–95; 8:45 am]

BILLING CODE 4830–01–P

Office of Thrift Supervision

American Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for American Savings and Loan Association, New York, New York, OTS No. 4080, on May 5, 1995.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13329 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

Continental Savings of America, A FS&LA; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Continental Savings of America, A FS&LA, San Francisco, California, OTS No. 7532, on April 28, 1995.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13330 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–32; OTS No. 01562]

Bell Federal Savings and Loan Association of Bellevue, Pittsburgh, Pennsylvania; Approval of Conversion Application

Notice is hereby given that on May 11, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Bell Federal Savings and Loan Association of Bellevue, Pittsburgh, Pennsylvania, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13331 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–33; OTS No. 06005]

Clayton County Federal Savings and Loan Association, Jonesboro, Georgia; Approval of Conversion Application

Notice is hereby given that on May 12, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Clayton County Federal Savings and Loan Association, Jonesboro, Georgia, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC, 20552, and the Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE, Atlanta, Georgia 30309.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13332 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–34; OTS No. 12336]

Community Bank & Trust, fsb, Olney, Illinois: Approval of Conversion Application

Notice is hereby given that on May 12, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Community Bank & Trust, fsb, Olney, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13333 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–30; OTS No. 00029]

First Federal Savings and Loan Association of Texarkana, Texarkana, Arkansas; Approval of Conversion Application

Notice is hereby given that on May 11, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Federal Savings and Loan Association of Texarkana, Texarkana, Arkansas; to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13334 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–31; OTS No. 01611]

First Federal Savings Bank of Champaign-Urbana, Champaign, Illinois; Approval of Conversion Application

Notice is hereby given that on May 11, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank of Champaign-Urbana, Champaign, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimerly M. White,

Corporate Technican.

[FR Doc. 95–13335 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–35; OTS No. 05829]

Fort Thomas Federal Savings and Loan Association, Fort Thomas, Kentucky; Approval of Conversion Application

Notice is hereby given that on May 15, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Fort Thomas Federal Savings and Loan Association, Fort Thomas, Kentucky, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13336 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–29; OTS No. 06278]

Redwood Falls Federal Savings and Loan Association, Redwood Falls, Minnesota; Approval of Conversion Application

Notice is hereby given that on April 28, 1995, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Redwood Falls Federal Savings and Loan Association, Redwood Falls, Minnesota, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: May 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–13337 Filed 5–31–95; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register

Vol 60, No. 105

Thursday, June 1, 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).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 11:00 a.m.-2:00 p.m.

PLACE: ADF headquarters.

DATE: Monday, June 5, 1995.

STATUS: Open.

Agenda

11:00 a.m.—Chairman's Report
11:15 a.m.—President's Report
12:00 noon—Lunch
1:00 p.m.—Executive Session (Closed)

If you have any questions or comments, please direct them to Ms. Janis MCCollim, Executive Assistant to the President, who can be reached at (202) 673–3916.

William R. Ford,

President.

[FR Doc. 95–13561 Filed 5–30–95; 3:27 pm]

BILLING CODE 6116–01–P

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 6, 1995 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, June 8, 1995 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 1995–13: R. William Taylor, President, American Society of Association Executives (ASAE).

Advisory Opinion 1995–15: Beth Taylor (AllisonPAC), Allison Engine Company.

Regulations:

Draft Direct Final Rules Repealing Obsolete Provisions in Title 11 of the Code of Federal Regulations (11 C.F.R. Sections 104.17, 110.1(g), and 114.12(d)).

Presidential Primary and General Election Regulations: Draft Final Rules and Explanation and Justification (continued from meeting of May 24, 1995).

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 95–13577 Filed 5–30–95; 3:26 pm]

BILLING CODE 6715–01–M

Corrections

Federal Register

Vol. 60, No. 105

Thursday, June 1, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 95-007N]

International Standard-Setting Activities

Correction

In notice document 95–12570 beginning on page 27250 in the issue of Tuesday, May 23, 1995, make the following corrections:

1. On page 27251, in the second column, in the seventh line from the top, ''whent he'' should read ''when the''.

2. On the same page, in the second column, in the first full paragraph, in the first line ''proved'' should read ''provided''.

3. On the same page, in the same column, in the line beginning ''Appendix 2'', ''fo'' should read ''of''.

4. On page 27254, in the first column, under the heading ''**Food Additives and Contaminants**'' in the sixth line from the top, ''husbandy'' should read ''husbandry''.

5. On page 27255, in the table, in the first column, under the heading ''Substance'' in the second line from the bottom, ''Polychlorotbiphenyls''should read ''Polychlorobiphenyls''.

6. On page 27260, in the second column, directly above the heading ''Codex Committee on Food Hygiene'' add

''Responsible Agency: HHS/FDA, USDA/FSIS
U.S. Participation: Yes''

BILLING CODE 1505–01–D

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 95-5]

Request for Comments on the Waiver of Moral Rights in Visual Artworks

Correction

In notice document 95–12606 beginning on page 27329 in the issue of Tuesday, May 23, 1995, make the following corrections:

1. On page 27330, in the first column, in the **ADDRESSES** section, in the fifth line, remove ''Office''.

2. On the same page, in the same column, in the **FOR ADDITIONAL INFORMATION CONTACT** section, in the second line, remove ''Office''.

3. On page 27331, in the third column, in the first full paragraph, in the last line ''repression'' should read ''representation''.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[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.

Correction

In notice document 95–10044 beginning on page 20130 in the issue of Monday, April 24, 1995 make the following correction:

On page 20131, in the first column, immediately preceding the file line, insert the signature line ''Margaret H. McFarland, Deputy Secretary.''

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-21015; 811-7133]

SSL 1993-1 Trust; Notice of Application

April 17, 1995.

Correction

In notice document 95–9985 appearing on page 20139 in the issue of Monday, April 24, 1995, the docket number should read as set forth above.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-AWA-6]

RIN 2120-AF02

Alteration of the Charlotte Class B Airspace Area; North Carolina

Correction

In rule document 95–11925 beginning on page 26594 in the issue of Wednesday, May 17, 1995, make the following corrections:

§71.1 [Corrected]

1. On page 26597, in the second column, in the land description, in the fifth line, ''long. 80°56′06″W.'' should read ''long. 80°57′06″W.''

2. On the same page, in the third column, in the 25th line, remove the phrase ''of the Charlotte VOR/DME, thence west along the 081° radial''.

3. On the same page, in the same column, in the last paragraph, in the last line ''seat'' should read ''east''.

BILLING CODE 1505–01–D

federal register

Thursday
June 1, 1995

Part II

Department of Education

Grants and Cooperative Agreements: Star Schools Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.203D]

Star Schools Program; Notice inviting applications for new awards

Note to Applicants: This notice is a complete application package. Together with the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this Star Schools Program competition.

Purpose of Program: The purpose of the Star Schools Program is to encourage improved instruction through distance learning technologies. Under this competition, the Secretary intends to support a project designed to advance adult literacy and the completion of requirements for a high school diploma or its equivalent.

Eligible Applicants: Only eligible telecommunications partnerships may receive grants under this program. Eligible telecommunications partnerships must be organized on a statewide or multistate basis. Two types of partnerships are eligible:

(a) A public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, provided that the agency or corporation represents the interests of elementary and secondary schools which are eligible to participate under Title 1 of the Elementary and Secondary Education Act of 1965 as amended by Public Law 103–382; or

(b) A partnership that will provide telecommunications services and which includes three or more of the following entities, at least one of which shall be an agency described in (1) or (2):

(1) A local educational agency, that serves a significant number of elementary and secondary schools that are eligible for assistance under Part A of Title 1 of the Elementary and Secondary Education Act of 1965 as amended by P.L. 103–382 or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(c) of the Elementary and Secondary Education Act of 1965, as amended;

(2) A State educational agency;

(3) Adult and family education programs;

(4) An institution of higher education or a State higher education agency;

(5) A teacher training center or academy which—

(i) Provides teacher preservice and inservice training; and

(ii) Receives Federal financial assistance or has been approved by a State agency;

(6) A public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

(i) A public broadcasting entity with such experience; or

(7) A public or private elementary or secondary school.

Deadline for Transmittal of Applications: July 17, 1995.

Deadline for Intergovernmental Review: September 15, 1995

Available Funds: $3,000,000.

Note: The Department currently has funds available to make awards under this competition in FY 1995. However, changes to the Star Schools program, including the rescission of FY 1995 funds, have been under consideration by the Congress. If adequate funds are not available, the Department will not make awards in FY 1995. However, if sufficient funds are appropriated for FY 1996, the Department may evaluate applications submitted under this competition and make awards in FY 1996 without holding a separate FY 1996 competition.

Estimated Size of Awards: $3,000,000.

Estimated Number of Awards: 1.

Project Period: Up to 60 months.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR) as follows:

(a) 34 CFR Part 74 (Administration of Grants and agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations).

(b) 34 CFR Part 75 (Direct Grant Programs).

(c) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(d) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(e) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(f) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(g) 34 CFR Part 82 (New Restrictions on Lobbying).

(h) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(i) 34 CFR Part 86 (Drug-Free Schools and Campuses).

Description of Program: The Star Schools Program is authorized by the Elementary and Secondary Education Act of 1965, as amended, (ESEA), Title III, Part B (20 U.S.C. 6891–6900). Section 3210(c) of the ESEA authorizes the Secretary to award grants, on a competitive basis, to eligible entities to enable partnerships to develop and operate one or more programs that provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The programs funded under this authority shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

Definitions: The following definitions apply to the terms used in this notice:

Educational institution means an institution of higher education, a local educational agency, or a State educational agency.

Institution of higher education has the same meaning given that term under Section 1201(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 8801(17)).

Instructional programming means courses of instruction, training courses, and materials used in such instruction and training which have been prepared in audio and visual form on tape, disc, film, or live interactive presentations, and presented by means of telecommunications devices.

Local educational agency has the same meaning given the term under section 14101(18) of the ESEA (20 U.S.C. 8801(18)).

Public broadcasting entity has the same meaning given that term in section 397 of the Communications Act of 1934 (47 U.S.C. 397).

State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, and the Commonwealth of the Northern Mariana Islands.

State educational agency has the same meaning given that term under section 14101(28) of the ESEA (20 U.S.C. 8801(28)) and includes the Bureau of Indian Affairs for purposes of serving schools funded by the BIA in accordance with Title III of the ESEA of 1965, as amended.

Secretary means the Secretary of Education.

Priorities

Absolute Priority

Under 34 CFR 75.105(c)(3) and 20 U.S.C. 6900(c), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Eligible entities, under the provisions of section 3210(c) of ESEA, which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent.

Invitational Priority

Under 34 CFR 75.105(c)(1), the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Each entity receiving funds under this program is encouraged to provide—(a) closed captioning of the verbal content of instructional programming, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

(b) descriptive video of the visual content of instructional programming as appropriate.

Application Requirements: Each eligible entity desiring a grant under this program shall submit an application to the Secretary. Each such application shall—

(a) Demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

(b) Assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

(c) Incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs; and

(d) Assure that the applicant has the technological and substantive experience to carry out the program.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. These are the criteria for evaluating discretionary grants contained in the Education Department General Administrative Regulations (EDGAR).

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria.* (1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of the Star Schools Program, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the Star Schools Program.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the Star Schools Program, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (10 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (b)(4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its non-discriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79.

The objective of the Executive Order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for

each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on Friday, March 31, 1995 (60 FR 16713–16715).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA #84.203, U.S. Department of Education, Room 6213, 600 Independence Avenue, S.W. Washington, D.C. 20202–0125.

In those States that require review for this program, applications are to be submitted simultaneously to the State Review Process and the U.S. Department of Education.

Proof of mailing will be determined on the same basis as it is for applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS. INSTRUCTIONS FOR TRANSMITTAL OF APPLICATIONS:*

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.203D), Washington, D.C. 20202–4725, or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.203D), Room #3633, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept deliveries between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

Individuals delivering applications must use the D Street entrance. Proper identification is necessary to enter the building.

In order for an application sent through a Courier Service to be considered timely, the Courier Service must be in receipt of the application on or before the closing date.

Note: Although applicants are not obligated to do so, it would be quite helpful if an additional two copies of the application were submitted (an original and four copies). The additional copies would be used during the review process.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner in which the submitted application should be organized. The parts and additional materials are as follows:

PART I: *Application for Federal Assistance* (Standard Form 424 (Rev. 4–88)) and instructions.

PART II: *Budget Information*—Non-Construction Programs (Standard Form 524) and instructions.

Special Budget Instructions

The Department is participating in the Administration's Reinventing Government Initiative. As part of that initiative, the National Performance Review urged the Department to ''eliminate the continuation application process for budget years within the project period'' and replace it with ''yearly program progress reports focusing on program outcomes and problems related to program implementation and service delivery.'' The Department is implementing this recommendation for as many programs as possible beginning in fiscal year 1995. This will require all applicants for multi-year awards to provide detailed budget information for the total grant period requested. The Department will negotiate at the time of the initial award the funding levels for each year of the grant award. A new generic budget form, included in this package, requests the information needed to implement this initiative.

By requesting detailed budget information in the initial application for the total project period, the need for formal noncompeting continuation applications in the remaining years will be eliminated. An annual report will be used in place of the continuation application to determine progress, thereby relieving grantees of the burden to resubmit assurances, certifications, etc.

PART III: Application Narrative.

ADDITIONAL MATERIALS:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013, 6/90).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions. (NOTE: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

An applicant may submit a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the

certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

For Further Information Contact: Gregory Dennis, U.S. Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave. N.W., Washington, D.C. 20208–5644. Telephone 202–219–1919. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

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: 20 U.S.C. 6891–6900.

Dated: May 26, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

BILLING CODE 4000–01–P

Appendix

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	*Preapplication*
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address *(give city, county, state, and zip code)*:

Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 0 3

TITLE: Star Schools Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant

b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE_____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/95

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, D.C. 20503.

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e):
For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e):
Show the total budget request for each project year for which funding is requested.

Line 12, column (f):
Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Instructions for ED Form 524 (cont.)

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e):
For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e):
Show the total matching or other contribution for each project year.

Line 12, column (f):
Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILLING CODE 4000–01–C

Instructions For Part III—Application Narrative

Before preparing the Application Narrative, an applicant should read carefully the description of the program, the information regarding the priority, and the selection criteria the Secretary uses to evaluate applications.

1. The applicant may include other pertinent information that may assist the Secretary in reviewing the application, including the scope and degree of services to be provided, who will render the telecommunications service, and when it will be delivered.

2. Justifications and specifications for equipment purchases should be clearly related to existing facilities and resources as well as to distance learning services to be delivered.

3. Applicants that apply for the production of instructional programming should be specific in the scope and sequence of the content and the tasks required to produce the proposed courses of instruction.

4. The application should enable reviewers to make clear linkages between the proposed budget and the specific tasks, operations, and service delivery.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 45 double-spaced, typed 8½″ × 11″ pages (on one side only), although the Secretary will consider applications of greater length.

The applicant may include an appendix, also on 8½″ × 11″ paper or any other pertinent information (e.g., letters of support, footnotes, resumes, etc.) that might assist the Secretary in reviewing the application.

The applicant may provide a VHS ½ inch videotape, however such a tape should be limited to no more than 12 minutes.

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 100 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202–4651. Information collection approved under OMB control number 1850–0623. Expiration date: 4/30/98.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0040

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 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

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 andto 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

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) 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 making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies 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 three-year period preceding this application 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 for 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 three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant 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 on-going 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 10 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: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3),

Washington, DC 20202-4571. 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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90, which are obsolete)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OM
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:

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

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June 1, 1995

Part III

Department of Energy

Environmental Statements, Availability, Etc.; Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs: Notice

DEPARTMENT OF ENERGY

Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs

AGENCY: Department of Energy.

ACTION: Record of decision.

SUMMARY: The Department of Energy has issued a Record of Decision on Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs. The Record of Decision includes a Department-wide decision to regionalize spent nuclear fuel management by fuel type for Department-owned spent nuclear fuel. The Record of Decision also contains decisions dealing with site-wide environmental restoration and waste management programs at the Idaho National Engineering Laboratory. These decisions include the: (1) Continuation of environmental restoration activities; (2) development of cost-effective treatment technologies for spent nuclear fuel and waste management; and (3) implementation of projects and facilities to prepare waste and treat spent nuclear fuel for interim storage and final disposition.

ADDRESSES: Copies of the Department of Energy *Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Environmental Impact Statement (DOE/EIS–0203–F)* and other information related to this Record of Decision are available in the public reading rooms and libraries identified in the **Federal Register** Notice that announced the availability of the final Environmental Impact Statement (60 FR 20979, April 28, 1995).

For further information on the Department's spent nuclear fuel management program and environmental restoration and waste management programs at the Idaho National Engineering Laboratory or to receive a copy of the Environmental Impact Statement, contact:

U.S. Department of Energy, Idaho Operations Office, Bradley P. Bugger, Office of Communications, 850 Energy Drive, MS 1214, Idaho Falls, ID 83403–3189, 208–526–0833.

For information on the Department's National Environmental Policy Act process, please contact:

Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, D.C. 20585, 202–586–4600, 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

1. Synopsis

The Record of Decision documents decisions made by the U.S. Department of Energy after the evaluation of the potential environmental impacts of a reasonable range of alternatives and appropriate nonenvironmental factors. The decisions fall into two categories, the first relating to the Department-wide management of Department of Energy-owned spent nuclear fuel for a period of up to forty years, pending the fuel's ultimate disposition, and the second relating to environmental restoration and waste management programs at the Idaho National Engineering Laboratory over a period of ten years. These decisions are based on information and analyses contained in the final Environmental Impact Statement *(Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Environmental Impact Statement, DOE/EIS–0203–F)* and other relevant considerations. The Navy was a cooperating agency in the preparation of the Environmental Impact Statement, because spent nuclear fuel from Navy nuclear powered ships and prototypes is managed by the Department of Energy.

Spent Nuclear Fuel Management. The Department of Energy has decided to regionalize spent nuclear fuel management by fuel type at three sites: the Hanford Site, the Idaho National Engineering Laboratory and the Savannah River Site. Under this decision, the fuel type distribution would be as follows:

- Hanford production reactor fuel will remain at the Hanford Site;
- Aluminum clad fuel will be consolidated at the Savannah River Site; and
- Non-aluminum clad fuels (including spent nuclear fuel from the Fort St. Vrain Reactor and Naval spent fuel) will be transferred to the Idaho National Engineering Laboratory.

The Navy will resume shipments of its spent nuclear fuel to the Idaho National Engineering Laboratory immediately, upon the staying or dissolution of an injunction ordered by the United States District Court for the District of Idaho on May 19, 1995. The Department will prioritize and time-phase shipments of spent nuclear fuel from current storage locations to the selected sites and will implement the regional management strategy consistent with its other programmatic objectives (considerations will include fuel condition, facility availability, safety factors, budget and cost, transportation logistics and repository acceptance criteria). This regionalization strategy will result in the following inventories of spent nuclear fuel (in metric tons of heavy metal, i.e., uranium, plutonium and thorium, and percentage of total anticipated inventory) at each of the three sites:

Hanford Site—2103 (76%)

Idaho National Engineering Laboratory—426 (16%)

Savannah River Site—213 (8%)

This management strategy was selected using a formal decision management process that considered the analysis and evaluation of five management alternatives set forth in the Environmental Impact Statement (DOE/EIS–0203–F).

For each of the alternatives, the impacts of spent nuclear fuel management activities were analyzed for each of five sites: (1) the Hanford Site near Richland, Washington; (2) the Idaho National Engineering Laboratory, in southeastern Idaho; (3) the Savannah River Site, near Aiken, South Carolina; (4) the Oak Ridge Reservation, in Oak Ridge, Tennessee; and (5) Nevada Test Site, near Mercury, Nevada. In addition, four naval shipyards and one naval prototype site, the Kesselring Site (near West Milton, New York), were considered for management of naval spent fuel only. The four naval shipyards are: (1) Norfolk Naval Shipyard, Portsmouth, Virginia; (2) Portsmouth Naval Shipyard, Kittery, Maine; (3) Pearl Harbor Naval Shipyard, Honolulu, Hawaii; and (4) Puget Sound Naval Shipyard, Bremerton, Washington.

A short description of each of the alternatives evaluated, several of which included sub-alternatives or specific site options, is provided below:

- No Action—perform minimum activities required for safe and secure management at or close to the generation site or current storage location;
- Decentralization—store and stabilize most spent nuclear fuel at or near the generation site with limited shipments from university and non-Department of Energy facilities to Department of Energy facilities;
- 1992/1993 Planning Basis—transport to and store newly generated spent nuclear fuel at the Idaho National Engineering Laboratory or the Savannah River Site and consolidate some existing spent nuclear fuel at the Idaho National Engineering Laboratory;

• Regionalization—distribute existing and projected spent nuclear fuel among alternative Department of Energy sites based on fuel type or geographic location (an eastern regional site and a western regional site);

• Centralization—manage existing and projected spent nuclear fuel at one of the five Departmental sites.

The Department's decision, which furthers its mission to ensure safe, efficient and responsible management of spent nuclear fuel pending ultimate disposition, has certain benefits, including:

• Small potential environmental impacts (it is one of the environmentally preferable alternatives);

• Enabling the Navy to continue to defuel and refuel its ships in order to meet national defense commitments;

• Providing for the development of safe storage and ultimate disposition technologies and the continuation of research and development for naval reactor fuel;

• Positioning the Department to pursue a path forward for ultimate disposition of Department of Energy-owned spent nuclear fuel;

• Furthering the consolidation of fuel at Department of Energy sites where the best capability exists to manage that type of fuel, thus enhancing the flexibility to address future requirements for ultimate disposition of the fuel as they evolve; and

• Permitting the Department to balance potential environmental risks, safety consequences, public concerns, mission needs and costs.

Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs. The decisions regarding the Idaho National Engineering Laboratory site-wide spent fuel program and environmental restoration and waste management programs include: (1) Acceptance of non-aluminum-clad spent nuclear fuel for management, (2) continuation of the restoration of priority sites and the stabilization of other sites based on health and environmental risks and budget, (3) development of cost-effective waste treatment technologies, and (4) implementation of projects and facilities to prepare waste and spent nuclear fuel for final disposition and allow more efficient examination of naval spent nuclear fuel.

These decisions (which implement the preferred alternative—the Modified Ten-Year Plan as described in Volume 2 of the final Environmental Impact Statement) were made using a formal decision management process that considered the analysis and evaluation of four alternatives set forth in the Environmental Impact Statement. The following is a brief description of the alternatives evaluated and considered:

• No Action—complete all identified near-term actions and continue to operate most existing facilities;

• The Ten-Year Plan—complete all identified actions and initiate new projects to enhance cleanup, manage laboratory wastes and spent nuclear fuel;

• Minimum Treatment, Storage and Disposal—minimize treatment, storage and disposal activities to the extent possible, conduct minimum cleanup and decontamination and decommissioning activities prescribed by regulation, and transfer spent nuclear fuel and waste;

• Maximum Treatment, Storage and Disposal—maximize treatment, storage and disposal functions at the Idaho National Engineering Laboratory to accommodate waste and spent nuclear fuel from the Department of Energy complex, and conduct maximum cleanup and decontamination and decommissioning.

The Department's decisions enhance the ability of the Idaho National Engineering Laboratory to accomplish its mission and provide the following benefits, including:

• Small environmental impacts (it is one of the environmentally preferable alternatives);

• The continuation of progress with the cleanup and treatment of waste stored or buried at the Idaho National Engineering Laboratory;

• Consistency with the proposed site treatment plan requirements (under the Federal Facility Compliance Act) and flexibility to accommodate negotiations currently underway with the State of Idaho;

• Permitting the construction of a regional multi-purpose waste treatment facility in Idaho should the Department later decide to implement a regional waste treatment strategy (consistent with decisions which could result from the Department of Energy Waste *Management Programmatic Environmental Impact Statement* currently in preparation) and which would provide residues from treating off-site wastes to be returned to originating sites;

• Addressing concerns and legal requirements regarding cleanup of buried waste, treatment of stored wastes and protection of the Snake River Plain aquifer; and

• Reflecting a balanced approach that takes into consideration potential environmental risks, safety consequences, public concerns, Department and site mission mandates and costs.

The Department has examined the need for mitigation of impacts and found that no specific mitigative actions are required to implement the above decisions.

2. Introduction

During the last 40 years, the Department of Energy and its predecessor agencies have generated, transported, received, stored, and reprocessed spent nuclear fuel at facilities in the Department's nationwide complex. This spent nuclear fuel was generated from various sources, including: the Department's production reactors; Naval Nuclear Propulsion Program reactors; government, university, and other research and test reactors; special-case commercial power reactors; and foreign research reactors. The Department constructed and operated production reactors at the Hanford and Savannah River Sites to provide special nuclear materials and other isotopes for defense programs. These production reactors are no longer operating. Naval Nuclear Propulsion Program reactors and some test and research reactors are still operating. The Department of Energy has reprocessed spent nuclear fuel—more than 100,000 metric tons of heavy metal—at the Idaho National Engineering Laboratory, Hanford Site, and Savannah River Site to recover fissile materials (uranium-235 and plutonium-239) and other valuable nuclides for national defense or research and development programs.

The end of the Cold War has sharply reduced the need for special nuclear materials. In April 1992, the Department began to phase out reprocessing of spent nuclear fuel for recovery and recycling of highly enriched uranium and plutonium. Approximately 2,700 metric tons of Department of Energy spent nuclear fuel remain that have not been reprocessed. This spent nuclear fuel is in a wide range of enrichments and physical conditions, and is stored at various locations in the United States. The Environmental Impact Statement also analyzed the potential environmental impacts associated with foreign research reactor fuel containing U.S. enriched uranium, assuming a future decision is made to establish a policy to accept this fuel. This material requires safe and efficient management until a decision regarding its ultimate disposition is made and implemented. Additionally, Department of Energy-owned spent fuel containing approximately 100 metric tons of heavy metal is expected to be generated in the next 40 years.

The Department of Energy currently stores most of the fuel in 10- to 40-year-old water pools (designed for temporary storage of spent nuclear fuel until it could be reprocessed) at the Hanford Site, the Idaho National Engineering Laboratory, and the Savannah River Site. Smaller quantities are stored at approximately 55 university and government-owned research reactor facilities in the United States.

In November 1993, the Department of Energy identified potential environmental, safety, and health vulnerabilities at certain spent nuclear fuel storage facilities *(Spent Fuel Working Group Report on Inventory and Storage of the Department's Spent Nuclear Fuel and Other Reactor Irradiated Materials and Their Environmental Safety and Health Vulnerabilities).* The Department also identified the storage locations of fuel with degraded cladding[1] and other problems that would require action to ensure continued safe storage. In May 1994, the independent Defense Nuclear Facilities Safety Board also addressed these vulnerabilities in Recommendation 94–1, which concluded that imminent hazards could arise unless certain problems were corrected, including those related to spent nuclear fuel storage. In addition, a court order embodying a stipulation between the State of Idaho and the Department of Energy (as discussed in section 7), in part, dictated the scope of the *Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Environmental Impact Statement* and the schedule for its preparation. Volume 1 of the Environmental Impact Statement evaluates the potential impacts of the proposed action to safely, efficiently, and responsibly manage existing and projected quantities of the Department's spent nuclear fuel through the year 2035, pending ultimate disposition.

The Department's activities at the Idaho National Engineering Laboratory have, over the past 50 years, resulted in the accumulation of spent nuclear fuel; waste requiring treatment, storage, and disposal; and sites requiring remediation. Volume 2 of the Environmental Impact Statement evaluates the potential impacts of the proposed action: (1) To develop appropriate facilities and technologies to manage waste and spent nuclear fuel currently and reasonably expected to be located at the Idaho National Engineering Laboratory during the next ten years; (2) to integrate more fully all environmental restoration and waste management activities to achieve cost and operations efficiencies, including pollution prevention and waste minimization; and (3) to responsibly manage environmental impacts from environmental restoration and waste management activities. Volume 2 assesses the environmental impacts from these environmental restoration and waste management actions that may be taken during a 10-year period, 1995–2005.

3. Decisions

The Atomic Energy Act of 1954 (42 U.S.C. § 2011 et seq.) and the Department of Energy Organization Act (42 U.S.C. § 7101 et seq.) establish the Department's responsibility for the management of its spent nuclear fuel. The decision process reflected in this document complies with requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) and its implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021. These decisions affect activities under the authority of the U.S. Department of the Navy, and the Navy was a cooperating agency in the preparation of the Environmental Impact Statement. Pursuant to 10 CFR 1021.315, the Department of Energy may revise this Record of Decision at any time, so long as the revised decision is adequately supported by existing reviews prepared in accordance with the National Environmental Policy Act.

3.1 Programmatic Spent Nuclear Fuel Management Decision

The Department has decided to implement the preferred alternative identified in Volume 1 of the Environmental Impact Statement, Regionalization by Fuel Type (Alternative 4a). This decision will consolidate existing and newly generated spent nuclear fuel at three existing Departmental sites (i.e., the Hanford Site, the Idaho National Engineering Laboratory, and the Savannah River Site) based on the fuel type, pending future decisions on ultimate disposition. Existing Hanford production reactor spent nuclear fuel will remain at the Hanford Site. Aluminum-clad spent nuclear fuel will be consolidated at the Savannah River Site, and non-aluminum clad spent nuclear fuel (including Fort St. Vrain reactor spent fuel) will be consolidated at the Idaho National Engineering Laboratory. Consolidation of spent nuclear fuel at these sites will be accomplished on a time-phased basis dependent upon fuel condition, facility availability, safety, transport logistics, budget and cost considerations and repository acceptance criteria. Naval spent nuclear fuel will be transported to the Idaho National Engineering Laboratory for examination and storage. Spent nuclear fuel facility upgrades, replacements, and additions will be undertaken, as will research and development activities to resolve safety vulnerabilities and assure safe spent nuclear fuel interim storage in preparation for ultimate disposition. Section 5 of this Record of Decision details the attributes of the selected alternative.

The potential impacts associated with the management of foreign research reactor spent nuclear fuel are analyzed in the Environmental Impact Statement; however, the policy decision on whether to accept this spent nuclear fuel is the subject of a separate environmental impact statement, Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel Environmental Impact Statement (DOE/EIS–0218D), published in draft form for public review and comment in March 1995.

Table 3.1 shows the origin and interim management destination of specific fuels and the potential number of shipments. Each shipment, whether by truck or rail, was assumed to consist of one shipping container. Table 3.2 shows the cumulative inventory at the Department's three spent nuclear fuel management locations.

Except for some special-case commercial fuel, these decisions do not apply to management of spent nuclear fuel from commercial nuclear power plants. This Record of Decision also does not address the ultimate disposition of the Department's spent nuclear fuel. Decisions regarding ultimate disposition of this fuel will be consistent with the Nuclear Waste Policy Act of 1982 (42 U.S.C. § 10101 et. seq. and will follow appropriate review under the National Environmental Policy Act. Decisions on stabilization technologies, including processing, will be made after completion of site-specific and fuel-type-specific reviews under the National Environmental Policy Act and tiered from the Environmental Impact Statement on spent nuclear fuel management.

[1] Fuel cladding is the metallic outer covering that encloses the uranium fuel matrix and products of the fission process. Claddings are composed of various alloys of aluminum, steel, or zirconium. Graphite-based nuclear fuels generally do not have a metallic covering, instead using silicon carbide coatings around each fuel particle.

3.2 Idaho National Engineering Laboratory Decision

The Department has decided to implement the preferred alternative, identified in Volume 2 of the Environmental Impact Statement, the Modified Ten-Year Plan (Modified Alternative B), for the Idaho National Engineering Laboratory environmental restoration and waste management programs. See section 4.2.1 below for a discussion of the Volume 2 preferred alternative.

Generator or current storage	Destination [2]	
	Idaho National Engineering Laboratory	Savannah River Site
Aerotest (California)	3	.....
General Atomics (California)	8	.....
General Electric (California)	.....	4
McClellan Air Force Base (California)	3	.....
U.S. Geological Survey (Colorado)	6	.....
Fort St Vrain (Colorado)	244	.....
Idaho National Engineering Laboratory (Idaho)	.....	114
Argonne National Laboratory—East (Illinois)	11	.....
Armed Forces Research Institute (Maryland)	3	.....
National Institute of Science and Technology (Maryland)	.....	185
DOW Corp. (Michigan)	3	.....
Veterans Medical Center (Nebraska)	2	.....
Los Alamos National Laboratory (New Mexico)	.....	17
Sandia National Laboratory (New Mexico) [3]	12	15
Brookhaven National Laboratory (New York)	.....	71
West Valley Demonstration Project (New York)	83	.....
Savannah River Site (South Carolina)	121	.....
Oak Ridge Reservation (Tennessee) [3]	54	68
Babcock & Wilcox, Lynchburg (Virginia)	2	.....
Hanford Site (Washington)	524	.....
Foreign Research Reactors (various) [3, 4]	170	838
Navy	575	.....
Universities (various) [3]	116	403
Total	1,940	1,715

[1] Number of shipments analyzed in the Final Environmental Impact Statement, including either truck or rail shipments.
[2] The Hanford Site would not receive any additional fuel.
[3] The specific distribution would be based upon the fuel type (i.e., cladding material).
[4] A policy decision on acceptance of foreign research reactor spent nuclear fuel will be made after completion of a separate environmental impact statement.

TABLE 3.2—APPROXIMATE SPENT NUCLEAR FUEL INVENTORY IN METRIC TONS OF HEAVY METAL.[1]

Sites	Existing spent fuel inventory		Existing redistributed and newly generated inventory	
	(As of 1995)	(Percent of total)	(By year 2035) [2]	(Percent of total)
Hanford Site	2133	(81%)	[3] 2103	(76%) (Production reactor spent nuclear fuel)
Idaho National Engineering Laboratory	261	(10%)	426	(16%) (Non-aluminum-clad spent nuclear fuel)
Savannah River Site	206	(8%)	213	(8%) (Aluminum-clad spent nuclear fuel)
Other (Oak Ridge, other Department of Energy facilities, universities, special case commercial).	46	(1%)	[3] 0	
Total	2646	(100%)	2742	(100%)

[1] A "metric ton of heavy metal" is a common unit of measure for spent nuclear fuel, which is 1000 kilograms (2,200 pounds) of heavy metal (uranium, plutonium, thorium) contained in the spent fuel.
[2] Inventory shown assumes no final disposition (repository disposal or processing).
[3] The Hanford and Oak Ridge sites would ship some or all of their existing inventory to the Savannah River site and Idaho National Engineering Laboratory, depending on fuel type.

3.2.1 Idaho National Engineering Laboratory Spent Nuclear Fuel Program

The following Idaho National Engineering Laboratory projects or activities will be implemented as a result of the decision (see Appendix for description):

- Increased Rack Capacity for Building 666 at the Idaho Chemical Processing Plant;
- Dry Fuel Storage Facility; Fuel Receiving, Canning/Characterization, and Shipping;
- Fort St. Vrain Spent Nuclear Fuel Receipt and Storage; and
- Expended Core Facility Dry Cell Project.

Other projects that are ongoing or planned are listed below. Decisions regarding these projects will be made in the future pending further project definition, funding priorities, and any additional appropriate review under the National Environmental Policy Act. Descriptions of these projects can be found in Volume 2, Appendix C, of the Environmental Impact Statement.

- Electrometallurgical Process Demonstration;

• Experimental Breeder Reactor-II Blanket Treatment Project; and

• Additional Increased Rack Capacity for Building 666.

3.2.2 Idaho National Engineering Laboratory Waste Management Program

The waste management program at the Idaho National Engineering Laboratory is accomplished through planning, coordination, and direction of functions related to generation, minimization, handling, treatment, storage, transportation, and disposal of waste and spent nuclear fuel, as well as associated surveillance and maintenance activities. The waste management program ensures that current and future waste management practices minimize any potentially adverse environmental impacts. The following discussion describes by waste type the selected alternative, the Modified Ten-Year Plan, alternative.

3.2.2.1 High-Level Radioactive Waste. The Department's decision for liquid high-level waste is to convert the high-level liquid waste to calcine (a stable, solid waste form). The Department has decided to resume operation of the New Waste Calcining Facility to convert the high-level liquid and sodium-bearing liquid waste to calcine prior to further treatment. The conversion to calcine will allow the Idaho National Engineering Laboratory to meet current requirements of a December 9, 1991 consent order with the State of Idaho and the Environmental Protection Agency to cease use of the existing liquid waste storage tanks without building new tanks. The Department proposes to construct a facility to treat the calcined high level waste (and any remaining liquid waste), in accordance with the Resource Conservation and Recovery Act, on a schedule to be negotiated with the State of Idaho under the Federal Facility Compliance Act.

The Department has selected a technology to be tested for potential use in a treatment facility. The technology selected is radionuclide partitioning for radioactive liquid and calcine waste treatment, grout for immobilizing the resulting low activity waste stream, and glass (vitrification) for immobilizing the resulting high-activity waste stream. For more information on this technology, see the Waste Immobilization Facility project description in Volume 2, Appendix C, of the Environmental Impact Statement.

There are two Idaho National Engineering Laboratory projects that will be implemented as a result of the decision (see Appendix for descriptions):

• Tank Farm Heel Removal Project; and

• Calcine Transfer Project.

Other projects which are planned are listed below. Decisions regarding these projects will be made in the future pending further project definition, funding priorities, or appropriate review under the National Environmental Policy Act. Descriptions of these projects can be found in Volume 2, Appendix C, of the Environmental Impact Statement.

• Waste Immobilization Facility;

• Radioactive Scrap/Waste Facility (Argonne National Laboratory-West); and

• Test Area North Pool Stabilization Project.

3.2.2.2 Transuranic Waste. The Department's decision will result in possible acceptance of some off-site transuranic waste from other Department facilities for treatment (depending upon future decisions made as a result of the Department of Energy *Waste Management Programmatic Environmental Impact Statement*). The Idaho National Engineering Laboratory will construct treatment facilities necessary to comply with the Federal Facility Compliance Act. Treatment of transuranic waste at a minimum will be for the purpose of meeting waste acceptance criteria for disposal at the Waste Isolation Pilot Plant (near Carlsbad, New Mexico) and will occur on a schedule to be negotiated with the State of Idaho.

Nominal additional quantities of transuranic waste will continue to be generated from on-site operations. The Site Treatment Plans developed under the Federal Facility Compliance Act may require that some types of waste be shipped from one Department of Energy site to another to take advantage of existing or future regionalized treatment capability. Off-site waste would be received depending on decisions based on: (1) Site Treatment Plan consent orders negotiated under the Federal Facility Compliance Act; and (2) the *Waste Management Programmatic Environmental Impact Statement.* Generally, after treatment, the waste residuals would be returned to the generator or transported to an approved off-site disposal facility (assumed to be the Waste Isolation Pilot Plant).

Projects for retrieving, characterizing, and treating transuranic waste will prepare the waste for transportation and disposal in a repository or for on-site disposal (for waste that can meet the on-site disposal performance criteria).

Projects that will be continued at the Idaho National Engineering Laboratory as a result of the decision (see Appendix for descriptions) are noted below:

• Transuranic Storage Area Enclosure and Storage Project; and

• Waste Characterization Facility.

Other projects which are planned are listed below. Decisions regarding these projects will be made in the future pending further project definition, funding priorities, or appropriate review under the National Environmental Policy Act. Descriptions of these projects can be found in Volume 2, Appendix C, of the Environmental Impact Statement.

• Private Sector Alpha-Contaminated Mixed Low-Level Waste Treatment;

• Radioactive Waste Management Complex Modifications to Support Private Sector; Treatment of Alpha-Contaminated Mixed Low-Level Waste;

• Idaho Waste Processing Facility;

• Mixed/Low-Level Waste Disposal Facility; and

• Plasma Hearth Process Project.

3.2.2.3 Mixed Low-Level Radioactive Waste. Pursuant to the selected alternative, the Idaho National Engineering Laboratory could accept off-site mixed low-level waste for treatment. This decision is subject to agreements being negotiated pursuant to the Federal Facility Compliance Act and the decisions resulting from the Department of Energy *Waste Management Programmatic Environmental Impact Statement.* If mixed low-level waste from other sites is accepted for treatment at the Idaho National Engineering Laboratory, the waste residuals would be returned to the generator or transported to an approved off-site disposal facility.

For the near term, stored and newly generated mixed low-level waste at the Idaho National Engineering Laboratory will be treated at the Waste Experimental Reduction Facility Incinerator (restart), the Nonincinerable Mixed Waste Treatment project, and the Sodium Processing Facility through generator treatment plans developed under 40 CFR 262.34, *Standards Applicable to Generators of Hazardous Waste—Accumulation Time.* Lead contaminated with radioactivity will be recycled at the Idaho National Engineering Laboratory and off-site.

The following projects will be implemented at the Idaho National Engineering Laboratory as a result of the decision (see Appendix for descriptions):

• Waste Experimental Reduction Facility Incineration;

• Nonincinerable Mixed Waste Treatment Project; and

• Sodium Processing Project.

Other projects which are planned are listed below. Decisions regarding these projects will be made in the future pending further project definition, funding priorities, or appropriate review under the National Environmental Policy Act. Descriptions of these projects can be found in Volume 2, Appendix C of the Environmental Impact Statement.

- Idaho Waste Processing Facility;
- Private Sector Alpha-Contaminated Mixed Low-Level Waste Treatment;
- Mixed/Low-Level Waste Disposal Facility; and
- Remote Mixed Waste Treatment Facility.

3.2.2.4 Low-Level Radioactive Waste. Idaho National Engineering Laboratory-generated low-level waste will be treated on-site and off-site and disposed of on-site. In addition, small amounts of off-site low-level waste may be received for treatment and disposal. Low-level waste that is suitable for incineration will be treated at the Waste Experimental Reduction Facility or at an off-site commercial facility. Current stabilization, compaction, and sizing operations at the Waste Experimental Reduction Facility will continue as will liquid low-level waste treatment at the Idaho Chemical Processing Plant and the Test Reactor Area. The Waste Experimental Reduction Facility will be restarted as a result of the decision (see Appendix for description).

Other projects which are planned are listed below. Decisions regarding these projects will be made in the future pending further project definition, funding priorities, and any further appropriate review under the National Environmental Policy Act. Descriptions of these projects can be found in Volume 2, Appendix C of the Environmental Impact Statement.

- Waste Handling Facility (Argonne National Laboratory—West);
- Mixed/Low-Level Waste Disposal Facility;
- Idaho Waste Processing Facility; and
- Private Sector Alpha-Contaminated Mixed Low-Level Waste Treatment.

3.2.2.5 Greater-Than-Class C Low-Level Waste. The Idaho National Engineering Laboratory will continue to plan and develop a program for the receipt and storage of greater-than-class C radioactive sealed-sources. Limited quantities of greater-than-class C waste may be stored in a new storage and recycle facility or an existing Idaho National Engineering Laboratory facility. It is possible that commercial facilities may be used, if available, for storage and recycling of all or part of the sources. (See Volume 2, Appendix C of the Environmental Impact Statement for more information on greater-than-class C dedicated storage at the Idaho National Engineering Laboratory.)

3.2.2.6 Hazardous Waste. Idaho National Engineering Laboratory nonradioactive hazardous waste will be treated, stored and disposed of at off-site commercial facilities. The Waste Handling Facility project at Argonne National Laboratory—West will be implemented as a result of the decision (see Appendix for description).

3.2.2.7 Industrial/Sanitary Waste. The Idaho National Engineering Laboratory will continue the existing industrial waste management program, with continued emphasis on reducing the amount of industrial waste generated through an intensive program of waste avoidance and recycling.

An Industrial/Commercial Landfill Expansion project is also planned. However, a decision regarding the start of this project will be made in the future pending further project definition, funding priorities, and any further appropriate review under the National Environmental Policy Act. A description of this project can be found in Volume 2, Appendix C of the Environmental Impact Statement.

3.2.3 Idaho National Engineering Laboratory Infrastructure Program

Existing Idaho National Engineering Laboratory facilities will be upgraded to comply with applicable state and Department of Energy requirements. In addition, new infrastructure projects may be needed to support ongoing operations.

The Gravel Pit Expansions project will be implemented as a result of the decision (see Appendix for a description).

Other projects which are planned are listed below. Decisions regarding these projects will be made in the future pending further project definition, funding priorities and any further appropriate review under the National Environmental Policy Act. Descriptions of these projects can be found in Volume 2, Appendix C of the Environmental Impact Statement.

- Industrial/Commercial Landfill Expansion;
- Central Facilities Area Clean Laundry and Respirator Facility;
- Health Physics Instrument Laboratory; and
- Radiological and Environmental Sciences Laboratory Replacement.

3.2.4 Idaho National Engineering Laboratory Environmental Restoration Program

With respect to environmental restoration, the Environmental Impact Statement recognizes that, with the exception of decontamination and decommissioning, the December 9, 1991 Federal Facility Agreement and Consent Order among the Department, the State of Idaho and the Environmental Protection Agency is the mechanism by which cleanup decisions are made for the Idaho National Engineering Laboratory Environmental Restoration Program. The Department of Energy's preferred alternative (Modified Ten-Year Plan) was selected because of its ability to provide for the remediation of critical sites while allowing the stabilization of the remaining sites. The selected alternative acknowledges the current industrial land use of the Idaho National Engineering Laboratory, but recognizes the need for flexibility to apply the criteria prescribed under the Comprehensive Environmental Response, Compensation and Liability Act in making cleanup decisions. The following Idaho National Engineering Laboratory projects will continue as a result of the decision (see Appendix for descriptions):

- Auxiliary Reactor Area Decontamination and Decommissioning;
- Boiling Water Reactor Experiment Decontamination and Decommissioning;
- Pit 9 Retrieval;
- Organic Contamination in Vadose Zone at Radioactive Waste Management Complex; and
- Remediation of Organic Ground Water Plume at Test Area North.

Other projects which are planned are listed below. Implementation decisions will be made in the future pending further project definition, funding priorities, and any further review under the Comprehensive Environmental Response, Compensation and Liability Act or the National Environmental Policy Act. Descriptions of these projects can be found in the Volume 2, Appendix C of the Environmental Impact Statement.

- Engineering Test Reactor Decontamination and Decommissioning;
- Materials Test Reactor Decontamination and Decommissioning;
- Fuel Processing Complex (CPP–601) Decontamination and Decommissioning;
- Fuel Receipt and Storage Facility (CPP–603) Decontamination and Decommissioning;
- Headend Processing Plant (CPP–640) Decontamination and Decommissioning;

- Waste Calcine Facility (CPP–633) Decontamination and Decommissioning; and
- Central Liquid Waste Processing Facility Decontamination and Decommissioning.

4. Alternatives Considered

4.1 Programmatic Spent Nuclear Fuel Alternatives Considered

The five programmatic management alternatives considered for spent nuclear fuel include: Alternative 1, No Action—perform minimum activities required for safe and secure management at or close to the generation site or current storage location; Alternative 2, Decentralization—storage and stabilization of most spent nuclear fuel at or near the generation site with limited shipments from university and non-Departmental facilities; Alternative 3, the 1992/1993 Planning Basis—transport to and store newly generated spent nuclear fuel at the Idaho National Engineering Laboratory or the Savannah River Site and consolidate some existing spent nuclear fuel at the Idaho National Engineering Laboratory; Alternative 4, Regionalization—distribute existing and projected spent nuclear fuel among alternative Department of Energy sites based on fuel type or geographic location (an eastern regional site and a western regional site); and Alternative 5, Centralization—manage existing and projected spent nuclear fuel at one site.

For all of the alternatives, the impacts of spent nuclear fuel management activities were analyzed for each of five sites: (1) The Hanford Site near Richland, Washington; (2) the Idaho National Engineering Laboratory, in southeastern Idaho; (3) the Savannah River Site, near Aiken, South Carolina; (4) the Oak Ridge Reservation, in Oak Ridge, Tennessee; and (5) the Nevada Test Site, near Mercury, Nevada. In addition, four naval shipyards and one naval prototype site, the Kesselring Site (near West Milton, New York), were considered for management of naval spent fuel only. The four naval shipyards are: (1) Norfolk Naval Shipyard, Portsmouth, Virginia; (2) Portsmouth Naval Shipyard, Kittery, Maine; (3) Pearl Harbor Naval Shipyard, Honolulu, Hawaii; and (4) Puget Sound Naval Shipyard, Bremerton, Washington.

4.1.1 Agency Preferred Alternative for Programmatic Spent Nuclear Fuel Management

The preferred alternative, Regionalization by Fuel Type, would distribute existing and projected inventories of spent nuclear fuel among Departmental sites based primarily on fuel type. Regionalization by Fuel Type would involve the use of the Idaho National Engineering Laboratory and Savannah River Site for storage of most newly generated spent fuel. Aluminum-clad fuel would be transported to the Savannah River Site; and non-aluminum clad fuel (including Fort St. Vrain and naval spent fuel) would be transported to the Idaho National Engineering Laboratory; Hanford production reactor spent fuel would remain at the Hanford Site. The timing of transportation of fuel between sites would be prioritized and time-phased depending on fuel condition, facility availability, safety, budget and cost, transport logistics, and activities necessary to meet repository acceptance criteria. Navy nuclear ships and prototypes would continue to be refueled and defueled as needed. Naval spent fuel would be transported to the Expended Core Facility at the Idaho National Engineering Laboratory for examination. Following examination, naval spent fuel would be stored at the Idaho National Engineering Laboratory. Spent nuclear fuel facility upgrades, replacements, and additions will be undertaken, as will research and development activities to resolve safety vulnerabilities and assure safe spent nuclear fuel interim storage in preparation for ultimate disposition.

The Department of Energy arrived at its preferred alternative through a formal screening process, which included developing screening and performance criteria. Since environmental impacts are substantially the same, they did not offer a strong basis for selection among the alternatives, as the environmental impacts of implementing any of the alternatives were evaluated in detail and determined to be small. The No Action, Decentralization A and B (no examination and limited examination of naval fuel respectively) and Centralization alternatives did not satisfy all of the screening criteria (regulatory compliance; accomplishment of Department and Navy missions; provision of technology development for stabilization and ultimate disposition) identified as necessary for alternatives to qualify for further consideration as candidates for the preferred alternative. Specifically, these alternatives would not have allowed the Department of Energy or the Navy to meet their mission needs, comply with applicable state and Federal laws and regulations, or provide for the necessary research and development of appropriate storage, treatment and disposal technologies. The No-Action alternative would not provide the capability for full examination of naval fuel. Similarly, Decentralization A and B (no examination and limited examination of naval fuel, respectively) would not provide capability for full examination of naval spent fuel. The Department did not prefer the Centralization alternative because it did not maintain backup capabilities for spent fuel management in order to accomplish vital spent fuel program activities. The remaining alternatives, Decentralization C (with full examination of naval fuel), the 1992/1993 Planning Basis, and Regionalization met all of the screening criteria.

The Department applied performance criteria (i.e., environmental impact; public concerns; cost; support of the spent fuel management mission; the need to honor contractual commitments and compliance agreements) to the four candidates that survived the screening process. Two of the four candidates, the 1992/1993 Planning Basis, and Regionalization by Fuel Type, rated the highest. These two candidate alternatives were then evaluated against a number of technical and nontechnical considerations, including environmental impact perception, indicated stakeholder preferences, implementation factors, regulatory risk, spent fuel processing potential, environmental justice, and fairness. As a result of this final evaluation, Regionalization by Fuel Type was identified as the preferred alterative.

4.1.2 Environmentally Preferable Alternatives for Programmatic Spent Nuclear Fuel Management

As indicated in the Environmental Impact Statement, the environmental consequences of the Decentralization, the 1992/1993 Planning Basis, Regionalization, and Centralization alternatives are small, including risks from normal operations, transportation, and potential accidents. While factors such as water quality, air quality, and land use for each alternative showed variations, these aggregated differences by themselves are not sufficient to identify one clearly environmentally preferable alternative. Accordingly, the Department regards all of these alternatives as environmentally preferable, based solely on the evaluation of environmental impacts. The selected alternative, Regionalization by Fuel Type, is among the environmentally preferred alternatives.

However, the No Action alternative would adversely affect the Department's

mission to ensure safe and secure management of spent nuclear fuel. Future deterioration of fuels and facilities may increase accident risks over current risk estimates. The Department would initially suffer from a loss of margin in storage capacity. In time, there would be little or no flexibility for repairs to existing facilities under the No Action alternative. Additionally, by limiting research and development to activities already approved, the Department's ability to safely store spent nuclear fuel would be adversely affected by the inability to conduct new research and development. For all of these reasons, compared to each of the action alternatives, the No Action alternative is environmentally nonpreferred.

4.2 Alternatives Considered for Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs

The alternatives related to environmental restoration and waste management for the Idaho National Engineering Laboratory include: Alternative A, No Action; Alternative B, Ten-Year Plan; Alternative C, Minimum Treatment, Storage, and Disposal; and Alternative D, Maximum Treatment, Storage, and Disposal. Each alternative included components for environmental restoration, decontamination and decommissioning, waste management, and spent nuclear fuel management, including the infrastructure, technology development, and transportation for spent nuclear fuel management.

4.2.1 Agency Preferred Alternative for Site-Specific Actions at the Idaho National Engineering Laboratory

The agency preferred alternative is a modification of the Ten-Year Plan (described in the Environmental Impact Statement), which includes additional features drawn from the Minimum and Maximum Treatment, Storage, and Disposal alternatives. Ongoing spent fuel management, environmental restoration, and waste management activities and projects would continue and be enhanced to meet current and expanded spent fuel and waste handling needs. These enhanced activities would be needed to comply with regulations and agreements and would result from acceptance of specific additional off site-generated materials and waste.

Non-aluminum-clad spent nuclear fuel (including Fort St. Vrain spent fuel and naval spent fuel) would be consolidated at the Idaho National Engineering Laboratory, except for the Hanford production reactor spent fuel. Transuranic and mixed low-level waste might be received from other sites, depending on consent orders negotiated under the Federal Facility Compliance Act and decisions resulting from the Department of Energy *Waste Management Programmatic Environmental Impact Statement.* The transuranic waste and mixed low-level waste received from other Departmental sites would be treated, and the residue returned to the original site (generator) or transported or shipped to an approved off site disposal facility, depending on arrangements reached under the Federal Facility Compliance Act with the State of Idaho, the Environmental Protection Agency and other affected states. Ongoing remediation and decommissioning and decontamination projects would be continued, and additional projects would be conducted.

In addition to existing facilities and projects, projects proposed under the preferred alternative for 1995 through 2005 would be implemented to meet the current mission of the Laboratory and to comply with negotiated agreements and commitments.

4.2.2 Environmentally Preferable Alternative for Site-Specific Actions at the Idaho National Engineering Laboratory

The Environmental Impact Statement analysis shows that potential environmental impacts on and near the Idaho National Engineering Laboratory from each of the action alternatives considered would be small. The Environmental Impact Statement focuses on the potential environmental impacts on or near the Laboratory. The longer-term programmatic waste management impacts across the Department's sites (complex-wide) will be the subject of another environmental impact statement presently under development (Department of Energy *Waste Management Programmatic Environmental Impact Statement).*

The following is a brief comparison of the impacts of the alternatives as analyzed, augmented by a qualitative discussion, albeit somewhat speculative, of considerations related to potential longer-term and complex-wide tradeoffs that may factor into later decision-making. The decision provides for extensive waste treatment that exchanges near-term impacts for longer-term impact reduction. Similarly, transferring wastes to Idaho exchanges near-term impacts there for impact reductions elsewhere within the Department of Energy complex.

The analyses indicate that, among the action alternatives, Alternative C (Minimum Treatment, Storage and Disposal) appears to have the lowest overall potential for environmental impacts at the Laboratory. The lower local impacts are accounted for by the fact that waste management activities, materials, and wastes would be transferred to other Department sites for treatment and storage, therefore transferring associated environmental impacts to the receiving sites. For example, all spent nuclear fuel and transportable wastes other than high-level wastes would be shipped to other Department sites for treatment and storage. Alternative C would not allow the Department to meet all of the requirements of the Proposed Site Treatment Plan submitted to the State of Idaho on March 30, 1995, in accordance with the Federal Facility Compliance Act.

Compared to Alternative C, the analyses show that Alternative B (Ten-Year Plan) would result in somewhat greater, but still small environmental impacts at the Laboratory. The difference in impacts results from the treatment of waste and management of spent nuclear fuel at the Laboratory as opposed to another Department site. While the near-term impacts resulting from proceeding with environmental restoration activities would be greater than those under Alternative C, these would be offset by decreases in the long-term presence of radioactive and hazardous wastes in the environment. This alternative would not provide the Department any significant ability to send wastes to the Laboratory from other sites, and thus would inhibit later programmatic decisions that might otherwise lessen the impacts across the complex.

The selected alternative, the Modified Ten-Year Plan, affords the Department better flexibility to implement actions proposed in the Federal Facility Compliance Act Site Treatment Plan and programmatic decisions that may result from the *Waste Management Programmatic Environmental Impact Statement,* presently being prepared. The local, near-term impacts of this Modified Ten-Year Plan, as analyzed, would be similar to those under Alternative B and less than those under Alternative D (Maximum Treatment, Storage and Disposal). The potential environmental impacts associated with waste management at other sites would be reduced in proportion to the amounts of waste shipped to the Laboratory for treatment.

The analyses show that, among the four alternatives, Alternative D (Maximum Treatment, Storage and Disposal) would probably have the greatest overall potential for short-term,

local environmental consequences. This alternative would also result in the largest commitment of Laboratory resources to address waste-related issues throughout the complex. Although the potential for offsetting complex-wide, long-term reductions in impacts exists, the Department judges that the overall impact of this alternative would still be higher than Alternative B (Ten-Year Plan) or the Modified Ten-Year Plan because of the greater waste treatment, storage and environmental restoration activities at the Laboratory.

The No Action alternative, Alternative A, is not environmentally preferable because it would not permit the flexibility for the Department to fully meet all negotiated and anticipated agreements and commitments (e.g., the Federal Facility Agreement and other consent orders or obligations to receive university, Fort St. Vrain and West Valley Demonstration Project spent nuclear fuel). The No Action alternative would also result in longer-term impacts from the environmental burden and risks associated with untreated, stored, and buried wastes at the Laboratory left undisturbed. No offsetting long-term or complex-wide impact reductions would accrue from this alternative, since it would limit future programmatic decisions that may lessen impacts across the complex.

The Department anticipates that the Modified Ten-Year Plan, when viewed in terms of broader complex-wide impacts over an extended time period, would result in impacts that are comparable to or less than those under Alternative C. Because the Modified Ten-Year Plan would provide for full treatment of waste currently at the Laboratory in addition to treating wastes currently located at other sites, it is reasonable to expect that long-term reductions in environmental impact will be achieved proportionately to reductions in waste volumes from conversion of toxic and hazardous waste forms to stable and more benign forms.

Consequently, in view of the fact that the environmental impacts are small and the balance among the near-term local, long-term and complex-wide impacts may show that there is no clear distinction among Alternatives B, C, and the selected alternative (Modified 10-Year Plan), the Department considers these three alternatives to be equally environmentally preferable alternatives.

5. Selected Alternatives

This section compares important characteristics of the selected alternatives with other evaluated alternatives and presents the basis for the selection.

5.1 Basis for Decisions

These decisions result from a systematic evaluation process used to identify the preferred alternatives (see Chapter 3 of the Environmental Impact Statement). The Department used the following general considerations when making these decisions:

- Environmental and safety considerations;
- Mission accomplishment considerations; and
- Public preference considerations.

These considerations aided the Department in striking a reasoned balance between potential environmental risks and public and mission (including budgetary) concerns.

5.1.1 Environmental and Safety Considerations

Environmental and safety considerations used in making the decisions included the following:

- The potential environmental and safety consequences resulting from actions to be implemented under the decisions would be small and in compliance with applicable environmental laws, regulations, executive orders, Departmental orders, permits and compliance agreements with regulatory agencies.
- The potential environmental impacts resulting from actions to be implemented under the decisions would not constitute a disproportionately high and adverse impact on minority or low income communities.

5.1.2 Mission Accomplishment Considerations

Mission considerations used in making the decisions included the following:

- The decisions provide for the safe and efficient management of the Department's spent nuclear fuel during the next 40 years.
- The decisions position the Department to implement a path forward for ultimate disposition of its spent nuclear fuel.
- The decisions enable the Naval Nuclear Propulsion Program to refuel and defuel nuclear-powered ships and examine naval spent fuel.
- The decisions balance cost considerations with budgetary goals of the Department and congressional mandates.
- The decisions are implementable and reasonable, considering the availability of resources, current technology, and expected technology development.
- The decisions continue environmental restoration and waste management activities at the Idaho National Engineering Laboratory and provide a framework for new activities that may be necessary to comply with negotiated agreements. This includes conducting mixed waste treatment at the Laboratory in accordance with the Federal Facility Compliance Act.

5.1.3 Public Preference Considerations

Significant public preferences and comments considered in the decisions included the following:

- Minimize unnecessary movement of spent nuclear fuel.
- Provide an equitable sharing among states and localities of the perceived burdens for management of spent nuclear fuel.
- Focus the actions of the Department on identification and implementation of a path forward for ultimate disposition of Department-owned spent nuclear fuel.
- Continue the cleanup activities already underway at the Idaho National Engineering Laboratory.
- Protect aquifers from being degraded by the Department's activities.

Public involvement is further discussed in section 9.

5.2 Programmatic Spent Nuclear Fuel Decision Basis

5.2.1 Environmental and Safety Considerations

Application of the environmental and safety considerations (presented in section 5.1.1) is described below with respect to the decision on programmatic spent fuel management. The selected alternative—Regionalization by Fuel Type—is one of several spent nuclear fuel management alternatives considered to be environmentally preferable, as discussed in section 4.1.2 above. As indicated in the Environmental Impact Statement, the environmental and safety consequences of any of the five spent nuclear fuel management alternatives would be small. For example, analyses of air quality, water quality, and land use for each alternative showed little or no impact.

The cumulative impact analysis in the Environmental Impact Statement evaluated the incremental impacts associated with implementing each alternative plus the impacts of other past, present and reasonably foreseeable future actions on a nationwide and site-specific basis. These analyses indicate that the contribution to cumulative impacts from activities required for spent nuclear fuel management would

be very small, both nationwide and at sites where fuel is managed. Similarly, on a site-specific basis, the implementation of any of the alternatives would not significantly contribute to cumulative impacts. For example, radiological emissions from normal operations and from transportation of spent nuclear fuel would be well within regulatory requirements, and the volumes of waste produced would be a small addition to other waste volumes generated at the sites.

As discussed in Appendix L to the Environmental Impact Statement, the evaluated potential impacts resulting from all alternatives were found to present no significant risk to potentially affected populations. Similarly, no disproportionately high and adverse effects are expected for any particular segment of the population, including minority populations and low-income populations.

5.2.2 Mission Accomplishment Considerations

The selection of the Regionalization by Fuel Type alternative included the consideration of several nonenvironmental factors, including the Department's ability to meet mission requirements, and cost.

5.2.2.1 Mission Accomplishment. The selected alternative meets the Department's mission requirements to manage its spent nuclear fuel safely and efficiently by consolidating the spent fuel by fuel type, thereby allowing efficiencies in management and technology development for stabilization and ultimate disposal. It also facilitates the construction of new or upgraded facilities for the safe and efficient management of spent nuclear fuel. The selected alternative allows the Navy to fulfill its mission to efficiently refuel and defuel nuclear powered ships and provide full examination of naval fuel. In contrast, the No Action and Decentralization alternatives would not meet the Department's objectives because leaving the spent fuel where it is generated or currently stored would not allow the Department to efficiently stabilize spent fuel for safe interim storage if necessary, or initiate new research and development for stabilization and ultimate disposition. In addition, the No Action and two of the three Decentralization alternatives would not allow full examination of naval fuel.

5.2.2.2 Cost Considerations. The Department is committed to operating cost-effective programs that meet all applicable safety, environmental, and regulatory requirements. The relative costs for implementation of the analyzed alternatives over 40 years have been examined in a report entitled *Spent Nuclear Fuel Management Cost Evaluation Report* (DOE/SNF/REP–PS–001, March 1995). The selected alternative is slightly less expensive than the Decentralization and Planning Basis alternatives. The selected alternative is somewhat more expensive than Regionalization by Geography, or any of the Centralization scenarios; however, these alternatives would be more capital-intensive (especially in the early years) than the selected alternative, and thus not as desirable. These relative rankings would remain the same for possible future spent nuclear fuel disposal scenarios including direct geologic repository disposal (in suitable containers) or processing followed by disposal.

5.2.3 Public Preference Considerations

A discussion of the public involvement process is presented in section 9; however, two important public concerns/preferences are discussed here.

Many commentors stated that spent nuclear fuel should not be stored in their locality. Until spent nuclear fuel is either finally disposed of or otherwise processed, it must be safely managed somewhere. Foreign storage, examination, and/or processing of spent fuel already in the Department's possession have been considered; however, at this time, concerns about security and nuclear material nonproliferation have caused the Department not to pursue this option programmatically. However, future analyses under the National Environmental Policy Act that are specific to sites or to spent nuclear fuel types may consider these options, and subsequent decisions could result in selected foreign storage or processing. For example, the *Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel Draft Environmental Impact Statement (DOE/EIS–0218D)* evaluates foreign and domestic options for storage, as well as chemical separation.

Many commentors also expressed a preference for minimizing the amount of spent nuclear fuel transportation. Although the potential environmental impacts due to transportation are very small, the Department acknowledges this public concern. The estimated number of shipments over the next 40 years analyzed ranges from about 200 shipments under No Action up to 7,400 shipments for Centralization. The selected alternative may involve up to 3,700 shipments over 40 years. The Regionalization by Geography and Centralization alternatives would require up to twice as many shipments, and the increased transportation was a consideration in not selecting those alternatives. Several other alternatives have lower shipment estimates but, as previously discussed, would impair the ability to meet mission requirements. The selected alternative allows a reasonable balance between the public preference for minimizing the extent of shipments and Department of Energy and Navy mission needs. It should be noted that the estimated number of shipments is conservative, and the number of actual shipments under the selected alternative is likely to be lower.

5.3 Site-wide Environmental Restoration and Waste Management Decision Basis

5.3.1 Environmental and Safety Considerations

Volume 2 of the Environmental Impact Statement evaluated many site-wide environmental parameters. The potential impacts were small for each alternative except that: (1) Fugitive dust would be generated during construction operations; and (2) the potential exists that acceptable visual color shift criteria could be exceeded at some sensitive areas if certain of the proposed projects were implemented without application of an air emission control technology. In actuality, fugitive construction dust would be controlled by standard practices (such as wetting). Additionally, through the State of Idaho Permit to Construct process, proposed projects are required to demonstrate that there will be no adverse impacts on the ambient air quality, including visibility.

The Environmental Impact Statement shows that the selected alternative generally causes potential impacts that fall between the Minimum Treatment, Storage, and Disposal alternative—Alternative C—and the Maximum Treatment, Storage, and Disposal alternative—Alternative D. The results reflect the fact that positive action—i.e., treatment of waste to render it more environmentally benign and stable over the long term—will result in short-term increases in releases of radionuclide and criteria pollutant emissions. However, all projected impacts are within applicable regulatory and Department of Energy requirements to ensure protection of public health and safety. Also, all alternatives involve continuation of existing projects or new projects to remediate or prevent contamination of the Snake River Plain aquifer.

5.3.2 Mission Accomplishment Considerations

The selection of the Modified Ten-Year Plan considered several nonenvironmental factors, including the flexibility to implement waste treatment options to be negotiated under the Federal Facility Compliance Act, cost-effective waste treatment and remedial actions.

5.3.2.1 Federal Facility Compliance Act Flexibility. Negotiations with the State of Idaho are underway on a consent order for treating mixed-waste streams that contain Resource Conservation and Recovery Act hazardous constituents. The No Action and Minimum Treatment, Storage, and Disposal alternatives would not enable the Department to implement treatment activities that would satisfy anticipated consent order requirements. The selected alternative, as well the Maximum Treatment, Storage, and Disposal alternatives, would provide the necessary flexibility.

5.3.2.2 Cost Effective Idaho National Engineering Laboratory Activities. Some alternatives provide a greater opportunity for cost effective Idaho National Engineering Laboratory waste operations than other alternatives. For example, the Ten-Year Plan Alternative would include new high-level liquid waste tanks estimated to cost $160 million. However, the selected alternative, Modified Ten-Year Plan, eliminates this cost by using the existing calcination process to eliminate the liquid high-level waste. In addition, the selected alternative allows flexibility in future decisions on, and operation of new waste treatment facilities with the possibility of treating multiple waste streams in one facility. The 1992/1993 Planning Basis and Maximum Treatment, Storage, and Disposal alternatives would also allow the desired flexibility, but the No Action and Minimum Treatment, Storage, and Disposal alternatives would not.

5.3.3 Public Preference Considerations

Public involvement activities are described in section 9. Several of the more important public concerns and preferences with respect to the selected alternative are discussed below.

Many comments stated that the Department must protect the environment, particularly the Snake River Plain aquifer. The Department discontinued direct liquid discharges to the aquifer in 1989 and is now actively cleaning up previous contamination. It should be noted that all safe drinking water standards are being met at the Laboratory site boundary. All of the action alternatives proposed in the Environmental Impact Statement would avoid any further degradation of the aquifer, and several alternatives, including the selected alternative, would continue current or propose additional aquifer cleanup actions. The No Action alternative would not protect the aquifer over a long period of time because treatment of existing waste to convert it to a more environmentally benign form would not be implemented.

Public comments also expressed a strong preference that the Idaho National Engineering Laboratory should not become the only waste treatment, storage, and disposal center for the Department. This is one reason why the Maximum Treatment, Storage, and Disposal alternative was not selected. Although the selected alternative would allow regional treatment of some selected waste streams, the residues from the treatment would be returned to the generator or transported to approved off-site storage or disposal facilities. By not selecting the Maximum Treatment, Storage, and Disposal alternative, the Department has also limited the number of waste shipments, an important consideration in many of the comments received.

6. Mitigation

6.1 Programmatic Spent Nuclear Fuel Management

The strictly controlled conduct of operations associated with Department of Energy and Naval Nuclear Propulsion Program spent fuel management activities are mitigation measures integral with the selected alternative. The Department of Energy and the Naval Nuclear Propulsion Program have orders and regulations for conduct of spent nuclear fuel management operations. All government spent fuel shipments must comply with Department of Energy and Department of Transportation regulations. The Department of Energy and the Navy have adopted stringent controls for minimizing occupational and public radiation exposure. The policy of these programs is to reduce radiation exposures to as low as reasonably achievable. Singly and collectively, these measures avoid, reduce, or eliminate any potentially adverse environmental impacts from spent nuclear fuel management activities. The Department has not identified a need for additional mitigation measures.

6.2 Site-wide Idaho National Engineering Laboratory Environmental Restoration and Waste Management

Volume 2, section 5.19 of the Environmental Impact Statement presents an overview of routine measures that minimize the risk associated with Department of Energy activities. Because the Department's compliance program requires self-assessments, external oversight, and audits, mitigation measures are an integral part of the Department's operations. Singly and collectively they avoid, reduce, or eliminate potentially adverse environmental impacts from environmental restoration and waste management activities. The Idaho National Engineering Laboratory has issued an Environmental Compliance Planning Manual that identifies the various requirements of Federal and state agencies that are applicable to its activities. Additional routine measures taken to reduce or avoid potential risks from Idaho National Engineering Laboratory environmental restoration and waste management activities encompassed by the decision are summarized below:

- Establishment and maintenance of cultural resources management plans, including consultations with the Shoshone-Bannock tribes and appropriate state and local agencies;
- Continued development of future land use plans in consultation with the Environmental Management Site Specific Advisory Board;
- Coordination with local communities and county planning agencies regarding labor and capital impacts;
- Evaluation of potential non-radiological air emissions for new facilities in specific Permit to Construct applications to demonstrate there will be no adverse air quality impacts;
- Evaluation of controls to reduce radiological emissions based on the nature of the activity and types and amounts of radionuclides; and
- Continued reduction in the generation of all types of waste.

Because of these activities and the Laboratory's commitment to operating in compliance with all applicable laws, regulations, executive orders, Departmental orders, permits, and compliance agreements with regulatory agencies, no additional mitigative actions are needed to implement this decision.

7. Legal and Regulatory Considerations

7.1 Litigation

7.1.1 History of Case

In 1965, the Public Service Company of Colorado and the then General Atomic Division of the General Dynamics Corporation signed a contract with the Atomic Energy Commission (now the Department of Energy) to pursue commercial power demonstration at the Fort St. Vrain Reactor in Colorado. The terms of that contract stipulated that a specified amount of spent fuel be shipped to the Idaho National Engineering Laboratory for interim storage. To meet this commitment, the Atomic Energy Commission constructed the Irradiated Fuels Storage Facility at the Idaho National Engineering Laboratory.

Pursuant to this contract, three segments of spent fuel were shipped from Colorado to the Idaho National Engineering Laboratory for storage in the early 1980s. In the late 1980s, Idaho Governor Cecil Andrus alerted the Department to the State of Idaho's concern about becoming a permanent repository for spent nuclear fuel. Governor Andrus declared that until the Department of Energy made a decision about a permanent repository, he would oppose further spent fuel shipments to Idaho. At that time, the Department was not in a position to make a decision about a permanent repository, and thus, disputes between the Department and the State of Idaho continued. In 1992, Idaho alleged that the Department had violated the National Environmental Policy Act by failing to prepare an Environmental Impact Statement on the continued receipt of spent fuel at the Idaho National Engineering Laboratory. Although the Department had prepared an Environmental Assessment on the impacts of receiving Fort St. Vrain fuel, and determined that the impacts of managing spent fuel were small, the State of Idaho pressed for an Environmental Impact Statement. In June 1993, the Federal District Court for the District of Idaho ruled that the Department was required to prepare an Environmental Impact Statement. See *Public Service Company v. Andrus,* 825 F. Supp. 1483 (D. Idaho 1993). In addition, the court enjoined the Department from further shipment of spent nuclear fuel to the Laboratory until the Environmental Impact Statement was completed. Following negotiations with the State of Idaho, an amended court order was entered on December 22, 1993, which contained a schedule for completion of the Environmental Impact Statement and provided for a limited number of naval shipments while the Environmental Impact Statement was prepared. On May 19, 1995, the District Court ordered an extension of the injunction.

During this same period, the Department was already in the process of preparing a site-wide environmental impact statement for proposed environmental restoration and waste management activities at the Idaho National Engineering Laboratory. Following the negotiated settlement with the State of Idaho and entry of the December 22, 1993 court order regarding spent fuel shipments to the Laboratory, the Department consolidated the site-specific environmental impact statement with the spent fuel environmental impact statement in a single document, now known as the *Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Environmental Impact Statement.*

7.1.2 Compliance with the Court Order

Issuance of this decision is a part of ongoing compliance with the court's order of December 22, 1993. By fulfilling all of the Environmental Impact Statement preparation requirements, and other spent nuclear fuel requirements and milestones, a significant portion of the court's order has been satisfied.

7.2 Legal Requirements

The Department of Energy is mandated by Congress to comply with applicable Federal and state laws and regulations, among which are the:

- National Environmental Policy Act;
- Clean Air Act;
- Clean Water Act;
- Safe Drinking Water Act;
- Floodplains Protection Act;
- Federal Facility Compliance Act;
- Resource Conservation and Recovery Act; and
- American Indian Religious Freedom Act and Native American Graves Protection and Repatriation Act.

The selected alternatives provide for compliance with these and other applicable laws and regulations governing actions within the Department's responsibility.

8. Implementation

8.1 Programmatic Spent Nuclear Fuel Management Decision Implementation

Implementation of the Department of Energy spent nuclear fuel decision will be managed by the Department's Office of Spent Fuel Management in conjunction with the affected operations offices. Naval spent fuel shipments will be conducted by the Naval Nuclear Propulsion Program. For planning purposes, the Department of Energy assumes that its spent nuclear fuel that is not otherwise dispositioned would be emplaced in the first geologic repository for spent nuclear fuel and high-level radioactive waste, subject to physical and statutory limits, payment of fees, and meeting repository acceptance requirements.

Since this is a programmatic decision, only intersite spent fuel movement is addressed. Naval spent fuel shipments will resume immediately upon the lifting of the injunction imposed by the court's order dated May 19, 1995, barring such shipments. The consolidation of Department of Energy-owned spent fuel types from current storage locations to the selected locations will be prioritized and time-phased depending on fuel condition, facility availability, safety, budget and cost, transport logistics, and repository acceptance criteria.

As indicated in the *Spent Nuclear Fuel Management Cost Evaluation Report* (SNF–REP–PS–001), spent fuel storage under the Regionalization by Fuel Type alternative may cost from $9.1 to $17.6 billion (in constant 1995 dollars) over forty years, depending on whether existing or new facilities are used. This range is associated with an assumption of no funding limitations; however, implementation of Regionalization by Fuel Type is subject to congressional and Department funding priorities, which will affect the timing of spent fuel management activities.

8.2 Environmental Restoration and Waste Management Decision Implementation at the Idaho National Engineering Laboratory

The Department's Idaho Operations Office will manage implementation of Laboratory-specific activities described in this Record of Decision. The Naval Nuclear Propulsion Program will manage projects and activities located at the Naval Reactor Facility, while the Department's Chicago Operations Office will manage those projects and activities located at Argonne National Laboratory-West. Implementation of the site-wide decisions is subject to a number of constraints, several of which are described below.

8.2.1 Funding

All of the site's activities are dependent on Congressional and Departmental funding priorities. Implementation of activities and projects will be prioritized by Departmental management, taking into account negotiations with the State of

Idaho and recommendations from the Laboratory's Site-Specific Advisory Board.

8.2.2 Federal Facility Compliance Act Negotiations

All of the waste types, except nonradioactive hazardous and sanitary wastes, can also be subdivided into a mixed waste category, i.e., waste that contains both hazardous waste regulated under the Resource Conservation and Recovery Act and source, special nuclear, or byproduct material defined by the Atomic Energy Act. Under the Federal Facility Compliance Act, the Laboratory was required to develop a Site Treatment Plan that addresses how the mixed waste in storage and to be generated will be treated to meet the Land Disposal Restrictions under the Resource Conservation and Recovery Act. The Laboratory's Proposed Site Treatment Plan was submitted to the State of Idaho on March 30, 1995, and includes detailed plans on how mixed waste will be treated. The Proposed Site Treatment Plan also included the treatment of waste to be received from off-site. The Federal Facility Compliance Act requires that the regulatory authority (i.e., the State of Idaho) approve, approve with modification, or disapprove the submitted Plan within six months. A consent order implementing the Proposed Site Treatment Plan is expected to be negotiated between the Department and the State of Idaho prior to October 6, 1995. The projects and activities identified in the Proposed Site Treatment Plan are included in the preferred alternative for the Final Environmental Impact Statement and in the alternative selected in this Record of Decision. Upon receipt the consent order implementing the Proposed Site Treatment Plan, this Record of Decision will be reviewed to assure consistency. The consent order will provide schedules and milestones for most of the waste management projects identified for implementation in this Record of Decision.

The December 9, 1991 Federal Facility Agreement and Consent Order is the mechanism by which cleanup decisions are made at the Idaho National Engineering Laboratory. Schedules for activities and projects identified for the Environmental Restoration Program will be implemented under the Federal Facility Agreement and Consent Order Action Plan.

8.2.3 Department of Energy Waste Management Programmatic Environmental Impact Statement

The Waste Management Programmatic Environmental Impact Statement, currently in preparation, is analyzing alternative strategies and policies to maximize efficiency for the Department's national Waste Management Program. The analyses will support the Department's complex-wide decisions. Volume 2 of the Environmental Impact Statement on Idaho National Engineering Laboratory environmental restoration and waste management programs has been coordinated with the preparation of the Waste Management Programmatic Environmental Impact Statement. Upon issuance of a record of decision for the Waste Management Programmatic Environmental Impact Statement, this Record of Decision will be reviewed for program consistency and possible changes.

9. Public Involvement

On October 22, 1990, the Department of Energy published a Notice of Intent in the **Federal Register** (55 FR 42633) announcing its intent to prepare a programmatic Environmental Impact Statement addressing Department-wide environmental restoration and waste management (including spent nuclear fuel management) activities. The Department invited the public to submit written comments on the scope of the document. Twenty-three scoping meetings were held across the country, and a draft Environmental Impact Statement Implementation Plan reflecting public comments was prepared. The Department held additional public meetings on the draft Implementation Plan and recorded public comments at these meetings.

On October 5, 1992, the Department published a Notice of Intent in the **Federal Register** (57 FR 45773) announcing its intent to prepare an environmental impact statement addressing environmental restoration and waste management and spent nuclear fuel management at Idaho National Engineering Laboratory. In the Notice of Intent, public comment was solicited on the proposed scope of the study. Five scoping meetings were held in Idaho, and public comments at those meetings were recorded.

As a result of a court order, the Department issued a Notice of Opportunity in the **Federal Register** (58 FR 46951) on September 3, 1993, announcing its intent to expand the scope of the ongoing Idaho National Engineering Laboratory Environmental Restoration and Waste Management Environmental Impact Statement to include a Department-wide review of the alternatives for managing spent fuel, including naval spent fuel. The notice also invited the public to comment on the expanded scope. Public comments received in response to the Notice of Opportunity, as well as public comments provided in the original scoping processes for both the Idaho National Engineering Laboratory Environmental Impact Statement and Department-wide Environmental Restoration and Waste Management Programmatic Environmental Impact Statement, were considered and summarized in the Environmental Impact Statement Implementation Plan issued on October 29, 1993.

These and other public outreach efforts, in conjunction with the public comment period discussed below, provided opportunities for the public to identify issues of concern relating to the Department's spent nuclear fuel management and Idaho National Engineering Laboratory environmental restoration and waste management activities.

9.1 Public Comments on the Draft Environmental Impact Statement

The public comment period on the Draft Environmental Impact Statement began on July 1, 1994 and closed on September 30, 1994. More than 1,400 individuals, agencies, and organizations provided approximately 5,000 comments. Comments were received from all affected Department of Energy and shipyard communities.

Many of the issues surrounding the management of the Department's spent nuclear fuel, raised during the public comment period, were not new. For example, the report entitled *Spent Fuel Working Group Report on Inventory and Storage of the Department's Spent Nuclear Fuel and Other Reactor Irradiated Materials and Their Environmental Safety and Health Vulnerabilities* documented current and potential vulnerabilities regarding existing storage facilities. Stakeholders raised many of the issues identified in this report in 33 public meetings held on the Draft Environmental Impact Statement in 1994.

The comments came from many states, from Maine to Hawaii. The origins of the comments indicated that Volume 1 (Spent Fuel Management) addressed issues of national interest, while Volume 2 (Idaho Engineering National Laboratory activities) was the subject of concern primarily to the citizens of Idaho. Recurring and controversial issues raised during the

public comment period included comments on the Department of Energy and Navy credibility; the apparent lack of a clear path forward with respect to ultimate disposition of spent nuclear fuel and nuclear waste; continued generation of spent nuclear fuel; cost of implementation; safety of, and risk to, the public; transportation of spent nuclear fuel and waste; impacts of accidents and perceived risk on local economies and the quality of life; and United States nuclear, defense, energy, and foreign policies.

In response to these comments the Department of Energy and the Navy consulted with other Federal agencies, states, and Tribal Nations to achieve a better understanding of the bases for their comments. Discussions during these consultations resulted in resolution of many comments and further improvements in the final Environmental Impact Statement. These comments and concerns resulted in approximately 500 changes to the final document. For example, a brief summary of the costs associated with the various alternatives was added. Also, the Department of Energy determined that for planning purposes, Department of Energy spent nuclear fuel that is not otherwise dispositioned will be emplaced in the first geologic repository for spent nuclear fuel and high-level radioactive waste, subject to physical and statutory limits, payment of fees, and meeting acceptance requirements. Volume 1 was enhanced to include a description that clarifies the relationship between the Environmental Impact Statement and other National Environmental Policy Act reviews related to spent fuel management. Further, the Department clarified the relationship between the Environmental Impact Statement and the Department's spent fuel vulnerability assessment action plans. As a direct result of public comment, the Department expanded discussion in Volume 2 of the potential impacts to Native American cultural resources, and the potential impacts on air quality at the Idaho National Engineering Laboratory. With regard to naval spent fuel, enhancements to Appendix D (Naval Spent Nuclear Fuel Management) provide additional information in the following areas: importance of naval spent fuel examination, impacts of not refueling or defueling nuclear-powered vessels, the transition period required to implement naval spent fuel alternatives, potential accident scenarios at naval shipyards, and uncertainties in calculating potential environmental impacts. Editorial changes were made to the Environmental Impact Statement to correct errors, none of which were considered substantive, and to clarify discussions.

The Summary of the Environmental Impact Statement provides an overview of public comments received on the draft document and Departmental actions to address these comments in the Final Environmental Impact Statement. The Department also added Volume 3 to the Environmental Impact Statement in order to consider, individually and collectively, all comments.

9.2 Response to Public Comments on the Final Environmental Impact Statement

The Department of Energy received comments and inquiries following issuance of the final Environmental Impact Statement. Commentors did not recommend any new alternatives or raise any issues that had not already been considered during preparation of the Final Environmental Impact Statement. The comments are summarized as follows.

- Commentors did not want any additional waste or spent fuel moved into the State of Idaho because of concerns for the aquifer and perception of potential for earthquakes to occur in Idaho.
- The State of Idaho filed a motion in Federal District Court maintaining that the Environmental Impact Statement does not comply legally or technically with the Court's order of December 22, 1993.
- The State of Maryland generally concured with the Department's selection of the preferred alternatives. For Programmatic spent fuel management, regionalization by fuel type is endorsed provided that adequate transportation safeguards are applied and that groundwater is fully protected at all three sites.

10. Decision and Approval

This decision constitutes the Department's final programmatic action regarding spent nuclear fuel management. This decision does not constitute the final agency action for site-specific projects at the Idaho National Engineering Laboratory that are subject to further negotiations among the Environmental Protection Agency, the State of Idaho, and the Department of Energy under the Federal Facility Compliance Act, or those projects subject to further National Environmental Policy Act review.

Issued in Washington, D. C., this 30th day of May, 1995.

Hazel R. O'Leary,

Secretary of Energy.

Appendix

The following describes actions which will occur as a result of the programmatic spent nuclear fuel management decision and decisions on the waste management and environmental restoration programs at the Idaho National Engineering Laboratory. Volume 2, Appendix C, of the Environmental Impact Statement contains further detail on the projects described below.

Idaho National Engineering Laboratory Spent Nuclear Fuel Management

Implementation of the selected programmatic alternative, Regionalization by Fuel Type, results in consolidation of non aluminum-clad spent nuclear fuel (including Fort St. Vrain spent fuel) at the Idaho National Engineering Laboratory. Aluminum-clad spent nuclear fuel currently stored at the Idaho National Engineering Laboratory will be shipped to the Savannah River Site. Navy fuel will be transported to the Laboratory and continue to be examined at the Expended Core Facility and then stored at the Idaho Chemical Processing Plant. The Expended Core Facility Dry Cell Project will be implemented at the Naval Reactors Facility. Additional storage space at the Idaho Chemical Processing Plant will be gained by installing additional racks in the storage pools at Building CPP–666. Wet storage at Building CPP–603 will be phased out by transferring fuel to both Building CPP–666 and the Irradiated Fuel Storage Facility at the Idaho Chemical Processing Plant. New dry storage capacity will be constructed and phased in. Spent fuels currently stored at various locations at the Idaho National Engineering Laboratory will be consolidated at the Idaho Chemical Processing Plant facilities as funding allows. Idaho National Engineering Laboratory management efforts will be concentrated on placing spent fuel from aging facilities and future spent fuel receipts into new dry fuel storage systems with parallel emphasis on qualifying the spent fuel forms to emerging repository acceptance criteria. A new dry storage system for the storage of Three Mile Island fuel currently stored in an aging facility at Test Area North will be constructed upon receipt of any required approvals by the Nuclear Regulatory Commission. (This project is also the subject of an Environment Assessment.) The facility

construction and operation were included in the cumulative impacts analyzed in the Environmental Impact Statement.

The following spent nuclear fuel management projects and activities will be implemented at the Idaho National Engineering Laboratory as a result of the decision:

Increased Rack Capacity for Building 666 at the Idaho Chemical Processing Plant—Ensures the near-term capability of the Idaho Chemical Processing Plant to receive and store spent nuclear fuel by increasing the storage capability of three pools in the Fluorinel Dissolution Process and Fuel Storage Facility Building (CPP–666). This project involves replacing existing storage racks and rearranging fuel within the racks. This project will start in calendar year 1995.

Dry Fuel Storage Facility; Fuel Receiving, Canning/Characterization, and Shipping—A multi-functional project that will accommodate receipt and storage of the various fuel types currently in inventory at the Idaho National Engineering Laboratory and the fuels projected to be received at the Idaho National Engineering Laboratory. The project will assist in the safe, environmentally sound management of spent nuclear fuel until final disposition can be achieved. The project consists of two major facilities that will be integrated but that can be constructed in phases. One facility is the Fuel Receiving, Canning/Characterization, and shipping facility. The second facility is the Dry Fuel Storage Facility consisting of a Modular Aboveground Dry Storage system. Procurement is expected to start in 2002 with the facility becoming operational in 2004.

Fort St. Vrain Spent Nuclear Fuel Receipt and Storage—Implementation of this activity will involve the transportation, receipt, and storage (at the Idaho Chemical Processing Plant) of approximately 16 metric tons of Fort St. Vrain spent nuclear fuel from the Public Service Company of Colorado.

Expended Core Facility Dry Cell Project—This facility will be used to prepare naval spent nuclear fuel modules for examination and storage by removing the nonfuel structural section from the fuel. This activity is currently performed in water pools at the Expended Core Facility. The facility will be a shielded concrete structure with remotely operated equipment. The facility will be integral with the existing Expended Core Facility building. The contracting process for the Expended Core Facility Dry Cell Project is expected to resume in 1995.

Idaho National Engineering Laboratory Waste Management Program

As previously stated, the projects and actions needed to manage the waste and spent nuclear fuel associated with each alternative were identified in the Environmental Impact Statement. The following projects and activities associated with waste management for each of the waste types will be implemented as a result of the programmatic and site-specific decisions.

High-Level Radioactive Waste

Tank Farm Heel Removal Project—This project involves the design, procurement, and installation of equipment, and performance of necessary tank systems modifications in order to remove the liquid and solid heels from the 11 storage tanks in the Idaho Chemical Processing Plant tank farm. The schedule for heel removal will be included in a closure plan yet to be negotiated with the State of Idaho, but is anticipated to start about 2009.

Calcine Transfer Project—This project involves the design, procurement, and installation of equipment to retrieve calcined high-level waste from Bin Set #1 as the first step in developing and demonstrating equipment to retrieve and transfer calcined waste to the Waste Immobilization Facility. The schedule for this project depends on the schedule for the Waste Immobilization Facility to be negotiated under the Federal Facility Compliance Act.

Transuranic Waste

For purposes of this Record of Decision, ''transuranic waste'' also includes alpha low-level radioactive waste. Transuranic waste contains transuranic contamination over 100 nanoCuries/gram. Alpha low-level waste contains transuranic contamination of more than 10 nanoCuries/gram but less than 100 nc/g and has traditionally been managed at the Idaho National Engineering Laboratory as transuranic waste. These waste types are generally expected to be managed in the same manner; therefore, the projects and activities for the selected alternative are described together.

Transuranic Storage Area Enclosure and Storage Project—The potential environmental impacts of this project were evaluated by the Department in an Environmental Assessment and was the subject of a Finding of No Significant Impact. The project was included in the Environmental Impact Statement because it is an ongoing project that will begin operation during the period analyzed in the Environmental Impact Statement. This project involves the construction of a facility to retrieve and re-store transuranic waste to achieve compliance with Resource Conservation and Recovery Act requirements. The project includes both the Transuranic Storage Area Enclosure Facility project and the Storage Facility Project.

Waste Characterization Facility—This project involves the design, construction, and operation of a Waste Characterization Facility at the Radioactive Waste Management Complex. The Waste Characterization Facility will provide facilities to open containers of contact-handled alpha low-level waste, alpha mixed low-level waste, transuranic, mixed transuranic waste, and mixed low-level waste; obtain and examine samples; and repackage the characterized waste in an environment designed to contain alpha-type contamination.

Mixed Low-Level Radioactive Waste

Mixed low-level waste is currently managed on-site, and limited amounts have been treated/recycled or disposed of at commercial off-site facilities. Existing and newly generated Idaho National Engineering Laboratory mixed low-level waste would continue to be stored in existing facilities, pending on-site incineration and non-incineration treatment and off-site treatment, as needed. Prior to disposal, Idaho National Engineering Laboratory treated and untreated waste would be stored in existing facilities on-site. Other treated waste meeting the waste acceptance criteria for the Radioactive Waste Management Complex would be disposed of on-site. Treated waste will be stored until disposed of off-site in a Resource Conservation and Recovery Act Subtitle C disposal facility or until an on-site mixed waste disposal facility becomes operational.

Mixed waste management projects that will be implemented at the Idaho National Engineering Laboratory as a result of the decision are:

Waste Experimental Reduction Facility Incineration (restart)—The objective of the Waste Experimental Reduction Facility Incineration project for mixed low-level waste is to treat the waste to render it nonhazardous, or to meet the Land Disposal Restriction regulations. The project will modify the existing organic liquid waste injection system to provide the capability to incinerate either organic or aqueous waste through direct injection into the incinerator and to provide a location for liquid waste sampling, blending, and repackaging operations. The proposed

date of operations for the incineration of mixed low-level waste is June 1996.

Nonincinerable Mixed Waste Treatment Project—The general objective of this project is to provide treatment capabilities for some of the mixed low-level waste that is not suitable for incineration. This project will use several technologies including ion exchange (Portable Water Treatment Unit), stabilization, macroencapsulation, neutralization and mercury amalgamation/retort. This facility will be located at the Power Burst Facility/Auxiliary Reactor Area. The mixed low-level waste treatment units under this project are scheduled to begin operation at different dates from June 1998, through June 2000.

Sodium Processing Project—This project involves construction and operation of a process system to convert sodium hydroxide to a disposable waste form, sodium carbonate. The project will provide for a modification to the existing Sodium Process Facility. A thin film evaporator, operating with a carbon dioxide atmosphere, would be used for hydroxide to the carbonate conversion process. The sodium conversion system will be sized to be compatible with the existing elemental sodium-to-sodium-hydroxide processing rate. Auxiliary equipment for packaging the sodium and for recycling process water is included. The planned operational date for this facility is March 1997.

Low-Level Radioactive Waste

Low-level waste at the Idaho National Engineering Laboratory is being generated, treated on-site, treated off-site at commercial facilities, and disposed of on-site at the Radioactive Waste Management Complex. The Waste Experimental Reduction Facility Incineration project described below will be implemented at the Idaho National Engineering Laboratory as a result of the decision.

Waste Experimental Reduction Facility Incineration—This project will provide volume reduction of low-level waste by incineration. The incinerator is a dual-chambered, controlled-air combustion unit with a maximum rated combustion capacity of 5.5 million British Thermal Units per hour. This facility has operated for six years previously and will resume incinerating low-level waste in 1995.

Industrial/Sanitary Waste

The industrial waste program (which includes sanitary waste) manages nonhazardous and nonradioactive solid wastes generated during manufacturing or industrial processes. The waste generated at the Idaho National Engineering Laboratory is currently disposed of at the Central Facilities Area Landfill and the Bonneville County Landfill. The current Idaho National Engineering Laboratory disposal area is located in a 4.8-hectare (12-acre) gravel pit.

An active recycling program is helping to reduce the amount of industrial waste. This recycling program includes such activities as recycling office waste and scrap metal and converting scrap wood into mulch. Other ongoing efforts to reduce industrial waste include waste avoidance and waste segregation programs.

The Idaho National Engineering Laboratory will continue the existing industrial waste program, with continued emphasis on reducing the amount of industrial waste generated, through an intensive program of waste avoidance, recycling, and segregation. Continuation of the existing program will require an expansion of the industrial/commercial landfill. This project will extend the boundaries of the Central Facilities Area Landfill Complex to provide 91 additional hectares (225 acres) of land to provide capacity for industrial waste disposal and operations for at least the next 30 years. The Landfill Complex extension provides a centralized area for various functions, including waste minimization operations, treatment and disposal of petroleum-contaminated media, and recyclable collection and transportation.

Idaho National Engineering Laboratory Infrastructure Program

Infrastructure support is part of ensuring the continued safe operation of Idaho National Engineering Laboratory facilities. Infrastructure support at the Idaho National Engineering Laboratory includes general plant projects to maintain and upgrade the current facilities, buildings, roads, and utilities that support operations. Recent projects include a new transportation complex, upgrades to the sewer system, and a new electrical system.

The decision is to continue the existing infrastructure support program. Existing facilities will be upgraded to comply with applicable state and Department requirements. In addition, new infrastructure projects may be needed to support ongoing Idaho National Engineering Laboratory operations. The Idaho National Engineering Laboratory industrial landfill facilities may be expanded as discussed above in the Industrial/Sanitary Waste subsection. Gravel pits located at several locations around the Idaho National Engineering Laboratory will be expanded as described below.

Gravel Pit Expansions—This project will expand existing gravel borrow pit operations to provide gravel and fill material for existing and future road and other construction activities at the Idaho National Engineering Laboratory during the 10-year period from June 1995 to June 2005. Some examples are gravel and fill material in support of new construction for spent nuclear fuel consolidation at the Idaho Chemical Processing Plant, and gravel and fill to support capping areas at the existing landfill and at the Radioactive Waste Management Complex. A total of eight gravel pits and borrow areas are located at the Idaho National Engineering Laboratory. The future needs of the Idaho National Engineering Laboratory will result in most if not all of the areas being utilized to some extent.

Idaho National Engineering Laboratory Environmental Restoration Program

In selecting the Modified Ten-Year Plan alternative, the Department acknowledges the current industrial land use of the Idaho National Engineering Laboratory, but recognizes the need for flexibility to apply the criteria prescribed under the Comprehensive Environmental Response, Compensation and Liability Act in making cleanup decisions. All of the following projects have been previously reviewed in accordance with the National Environmental Policy Act and are at various stages of implementation.

Auxiliary Reactor Area Decontamination and Decommissioning—The Auxiliary Reactor Area-II consists of radiologically contaminated buildings, structures, utilities, and other miscellaneous items. This project will ensure the facilities are in a safe configuration to determine and execute appropriate decontamination activities and to decommission the facilities. This action will reduce the risk of radioactive exposure and eliminate the need for and cost of continued surveillance and maintenance.

Boiling Water Reactor Experiment Decontamination and Decommissioning—This project will remove the Boiling Water Reactor Experiment facility from the list of surplus facilities, remove or stabilize potential sources of contamination and reduce the risk of radioactive exposure, and eliminate the need for and cost of continued surveillance and maintenance.

Pit 9 Retrieval—Pit 9 is an Interim Action initiated under the Idaho

National Engineering Laboratory Federal Facility Agreement and Consent Order. The project will reduce the potential for exposure of workers, the public, and the environment to contaminants disposed in Pit 9; expedite the overall cleanup of the Radioactive Waste Management Complex at the Idaho National Engineering Laboratory; and reduce the potential for migration of Pit 9 wastes to the Snake River Plain Aquifer.

Organic Contamination in Vadose Zone Remediation—This project will prevent organic contaminant migration to the Snake River Plain Aquifer in groundwater contaminant concentrations exceeding acceptable risk levels and/or Federal and State maximum contaminant levels. Through the use of vapor-vacuum extraction, volatile organic contaminants found in the unsaturated hydrogeological zone (vadose zone) will be removed and treated.

Remediation of Organic Ground/Water Plume—This project will reduce the contamination in the vicinity of an injection well located in the Test Area North Technical Support Facility. Ground water will be extracted by pumping, contaminants will be removed from the ground water in a treatment facility, and the cleaned water will be discharged to a surface impoundment.

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federal register

Thursday
June 1,1995

Part IV

The President

Presidential Determination No. 95–21 of May 16, 1995

Federal Register
Vol. 60, No. 105
Thursday, June 1, 1995

Presidential Documents

Title 3—

The President

Presidential Determination No. 95–21 of May 16, 1995

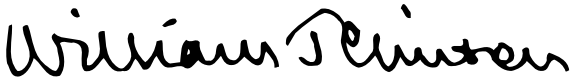
Transfer of $3.0 Million in FY 1995 Economic Support Funds to the Peacekeeping Operations Account to Support African Peacekeeping Efforts in Liberia

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 610(a) of the Foreign Assistance Act of 1961, as amended (the ''Act''), I hereby determine that it is necessary for the purposes of the Act that $3.0 million of funds made available under Chapter 4 of Part II of the Act, be transferred to, and consolidated with, funds made available for Peacekeeping Operations under Chapter 6 of Part II of the Act.

I hereby authorize the use in fiscal year 1995 of the aforesaid $3.0 million in funds made available above under Chapter 4 of Part II of the Act to provide peacekeeping assistance to support the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG), as well as Tanzanian, Ugandan, and ECOMOG peacekeeping efforts in Liberia.

You are hereby authorized and directed to report this determination immediately to the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, May 16, 1995.

[FR Doc. 95–13614
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Vol. 60, No. 105

Thursday, June 1, 1995

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FEDERAL REGISTER PAGES AND DATES, JUNE

28509–28700.....1

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 1995

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
June 1	June 16	July 3	July 17	July 31	August 30
June 2	June 19	July 3	July 17	August 1	August 31
June 5	June 20	July 5	July 20	August 4	September 5
June 6	June 21	July 6	July 21	August 7	September 5
June 7	June 22	July 7	July 24	August 7	September 5
June 8	June 23	July 10	July 24	August 7	September 6
June 9	June 26	July 10	July 24	August 8	September 7
June 12	June 27	July 12	July 27	August 11	September 11
June 13	June 28	July 13	July 28	August 14	September 11
June 14	June 29	July 14	July 31	August 14	September 12
June 15	June 30	July 17	July 31	August 14	September 13
June 16	July 3	July 17	July 31	August 15	September 14
June 19	July 5	July 19	August 3	August 18	September 18
June 20	July 5	July 20	August 4	August 21	September 18
June 21	July 6	July 21	August 7	August 21	September 19
June 22	July 7	July 24	August 7	August 21	September 20
June 23	July 10	July 24	August 7	August 22	September 21
June 26	July 11	July 26	August 10	August 25	September 25
June 27	July 12	July 27	August 11	August 28	September 25
June 28	July 13	July 28	August 14	August 28	September 26
June 29	July 14	July 31	August 14	August 28	September 27
June 30	July 17	July 31	August 14	August 29	September 28