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Thursday
December 14, 1995

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[Two Sessions]

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WHERE:	Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)
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New Feature in the Reader Aids!
Beginning with the issue of December 4, 1995, a new listing will appear each day in the Reader Aids section of the Federal Register called ''Reminders''. The Reminders will have two sections: ''Rules Going Into Effect Today'' and ''Comments Due Next Week''. Rules Going Into Effect Today will remind readers about Rules documents published in the past which go into effect ''today''. Comments Due Next Week will remind readers about impending closing dates for comments on Proposed Rules documents published in past issues. Only those documents published in the Rules and Proposed Rules sections of the Federal Register will be eligible for inclusion in the Reminders.
The Reminders feature is intended as a reader aid only. Neither inclusion nor exclusion in the listing has any legal significance.
The Office of the Federal Register has been compiling data for the Reminders since the issue of November 1, 1995. No documents published prior to November 1, 1995 will be listed in Reminders.

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

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300, 301, 318–322, 330, 340, 352, 354–356, 360, and 380

9 CFR Parts 1–3, 49–54, 70–75, 77–80, 82, 85, 91–114, 116–118, 124, 130, 145, 147, 151, 156, 160–162, and 166–167

[Docket No. 95–091–1]

Revision of Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending our regulations to reflect the recent revision of the delegations of authority from the Secretary of Agriculture to the Assistant Secretary for Marketing and Regulatory Programs and redelegation to the Administrator, Animal and Plant Health Inspection Service.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Holmes, Regulatory Coordination Specialist, Regulatory Analysis and Development, PPD, APHIS, suite 3CO3, 4700 River Road Unit 118, Riverdale, MD 20737–1238, (301) 734–8682.

SUPPLEMENTARY INFORMATION:

Background

A final rule effective and published in the Federal Register on November 8, 1995 (60 FR 56392–56458) revised the delegations of authority from the Secretary of Agriculture and general officers of the Department due to a reorganization of the Department. This document amends the authority citations in titles 7 and 9 of the Code of Federal Regulations to reflect the changes made by that final rule.

Authority: 5 U.S.C. 301; 7 CFR 2.22 and 2.80.

In 7 CFR parts 300, 301, 318–322, 352, 354–356, 360, and 380 and in 9 CFR parts 1–3, 49–54, 70–75, 77–80, 82, 85, 91–114, 116–118, 124, 130, 145, 147, 151, 156, 160–162, and 166–167 the authority citations are amended by removing ''7 CFR 2.17, 2.51'' and adding ''7 CFR 2.22, 2.80'' in its place.

Done at Washington, DC, this 8th day of December 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–30459 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 3

[Docket No. 95–22]

RIN 1557–AB14

Risk-Based Capital Requirements—Small Business Loan Obligations; Correction

AGENCY: Office of the Comptroller of the Currency.

ACTION: Correction to interim rule with request for comments.

SUMMARY: This document contains a correction to the interim rule which was published Wednesday, September 13, 1995, (60 FR 47455). The interim rule related to the risk-based capital requirements for small business loan obligations.

EFFECTIVE DATE: September 13, 1995.

FOR FURTHER INFORMATION CONTACT: David Thede, Senior Attorney, (202) 874–5210, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The amendatory instructions to the interim rule did not redesignate existing paragraph (c) of appendix A to part 3, section 3 as paragraph (d) before adding a new paragraph (c).

Correction of Publication

Accordingly, the publication on September 13, 1995 of the interim rule which was the subject of FR Doc. 95–22666, is corrected as follows:

On page 47458, in the first column, amendatory instruction 2 is corrected to read: ''In appendix A to part 3, section 3 is amended by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:''.

Dated: November 30, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 95–30424 Filed 12–13–95; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[SPATS NO. CO–028–FOR]

Colorado Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving, with one exception and additional requirement, a proposed amendment to the Colorado regulatory program (hereinafter referred to as the ''Colorado program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Colorado proposed revisions and explanatory information for rules pertaining to the applicability of Colorado's rules; permit application requirements for legal, financial, and related information; permit application requirements for operation and reclamation plans; requirements for special categories of mining; public participation and approval of permit applications; performance standards for revegetation; performance standards for subsidence control; the definition of ''road;'' adjustments in bond amount; the bond liability period on land reclaimed for industrial or commercial, or residential use; bond forms; terms and conditions of irrevocable letters of credit; the criteria and schedule for release of performance bonds; and erosion control on mine support facilities within areas where the pre- and postmining land use is industrial or commercial. The amendment was intended to revise the Colorado program

to be consistent with the corresponding Federal regulations, and improve operational efficiency.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telephone: (303) 672–5524.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Program

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, Federal Register (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.11, 906.15, 906.16, and 906.30.

II. Proposed Amendment

By letter dated July 12, 1995, Colorado submitted a proposed amendment to its program (administrative record No. CO–670) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative, in response to a February 7, 1990, letter (administrative record No. CO–484) that OSM sent to Colorado in accordance with 30 CFR 732.17(c), and in response to a required program amendment at 30 CFR 906.16(g).

OSM announced receipt of the proposed amendment in the July 28, 1995 Federal Register (60 FR 38773), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. CO–670–4). Because no one requested a public hearing or meeting, none was held. The public comment period ended on August 28, 1995.

During its review of the proposed amendment and previously approved rules for which Colorado proposed further revisions upon promulgation, OSM identified issues and notified Colorado of the concerns by letter dated August 31, 1995 (administrative record No. CO–670–7). Colorado responded in a letter dated September 26, 1995, by submitting additional explanatory information (administrative record No. CO–670–8).

Based upon the additional explanatory information for the proposed program amendment submitted by Colorado, OSM reopened the public comment period in the October 16, 1995, Federal Register (60 FR 53562, administrative record No. CO–670–10) and provided an opportunity for a public hearing or meeting on its substantive adequacy. Because no one requested a public hearing or meeting, none was held. The public comment period ended on November 15, 1995.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, finds, with one exception and additional requirement, that the proposed program amendment submitted by Colorado on July 12, 1995, and as supplemented with additional explanatory information on September 26, 1995, is no less effective than the corresponding Federal regulations. Accordingly, the Director approves, with one exception and additional requirement, the proposed amendment.

1. Nonsubstantive Revisions to Colorado's Rules

Colorado proposed revisions to the following previously-approved rules that are nonsubstantive in nature and consist of minor editorial changes (corresponding Federal regulation provisions are listed in parentheses):

Rule 2.03.7(1) (30 CFR 778.16(a)), concerning lands unsuitable for surface coal mining operations, to correctly cite the reference to 30 CFR part 769;

Rule 2.05.3(8)(c) (30 CFR 784.16(e)), concerning design of coal processing waste dams and embankments, to correctly cite the reference to Rule 4.11.5;

Rule 2.05.6(2)(iii)(A) (30 CFR 780.16(a)(2)), concerning the fish and wildlife plan in a permit application, to correctly cite the reference to Section 33–2–101 *et seq.* of the Colorado Revised Statute;

Rule 2.07.2 (30 CFR 773), concerning public participation and approval of permit applications, to remove the ''.2'' from ''2.07.2'' in the Objective title line;

Rule 3.02.4(1)(d) (30 CFR 800.12), concerning alternative bonding systems approved by the Division, to correctly cite the reference to Rule 3.02.4(2)(f);

Rule 4.08.6(1) (30 CFR 816.67(d)), concerning airblast limitations, to correctly cite the reference to Rule 4.08.4(10)(b)(i).

Because the proposed revisions to these previously-approved rules are nonsubstantive in nature, the Director finds that these proposed Colorado rules are no less effective than the Federal regulations. The Director approves these proposed rules.

2. Substantive Revisions to Colorado's Rules That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

Colorado proposed revisions to the following rules that are substantive in nature and contain language that is substantively identical to the requirements of the corresponding Federal regulation provisions (listed in parentheses).

Rule 1.04(80) (30 CFR 700.5), concerning the definition of ''operator,''

Rule 1.04(92) (30 CFR 700.5), concerning the definition of ''person,'' and

Rule 3.02.2(5) (30 CFR 800.15(c)), concerning when a permittee may request reduction of the required performance bond amount.

Because these proposed Colorado rules are substantively identical to the corresponding provisions of the Federal regulations, the Director finds that they are no less effective than the Federal regulations. The Director approves these proposed rules.

3. Rules 1.04(21), 2.03.3(4), and 2.06.6(2), Definition of ''Coal,'' Water Quality Sampling and Laboratory Analyses, and Application Contents for Prime Farmland

Colorado's proposed definition of ''coal'' at Rule 1.04(21) and proposed Rule 2.03.3(4), concerning water quality sampling and laboratory analyses, are substantively identical to the respective Federal regulations at 30 CFR 700.5 (definition of ''coal'') and 30 CFR 780.21(a), with the exception that Colorado is specifying the exact edition of ''Standard Specifications for Classification of Coal by Rank'' which is referenced in both State rules. Both proposed Rules 1.04(21) and 2.03.3(4) have been revised to incorporate the referenced material with the statement that ''[t]his publication is hereby incorporated by reference as it exists on the date of adoption of these regulations.''

Proposed Rule 2.06.6(2)(i), concerning permit application contents for prime farmland, is no less effective than 30 CFR 785.17(c). Both State and Federal rules reference the U.S. Natural Resources Conservation Service's ''National Soils Handbook'' for current acceptable procedures for conducting soil surveys. However, Colorado's proposed Rule 2.06.6(2)(i), which references a 1983 publication of the handbook, has been revised to state that ''[t]his rule does not include later amendments to or editions of the incorporated material,'' and to specify that the handbook is available at, among other places, Colorado's Denver office.

OSM previously approved Colorado's existing Rule 1.01(9) (56 FR 1363, 1364, finding No. 2; January 14, 1991) which states that ''[t]he materials incorporated in these rules by reference do not include later amendments to or editions of the incorporated materials.'' Colorado stated that this rule was necessary to

comply with the terms of Colorado's Administrative Procedures Act at Colorado Revised Statutes (C.R.S.; 1989) 24–4–103(12.5)(c). The effect of Rule 1.01(9) is that any Federal regulations or technical publications incorporated by Colorado's rules would be incorporated as they existed at the time that Colorado initially proposed its rules.

The Director is approving Colorado proposed Rules 1.04(21), 2.03.3(4), and 2.06.6(2), as no less effective than the respective counterpart Federal regulations at 30 CFR 700.5, 780.21(a), and 785.17(c). However, should revisions to these technical publications be incorporated into the Federal program, OSM would require Colorado to submit a program amendment to incorporate the revisions.

4. Rule 1.04(111), Definition of ''Road''

Colorado's proposed definition of ''road'' at Rule 1.04(111) is, with one exception, substantively identical to the Federal definition of ''road'' at 30 CFR 701.5. The exception is that Colorado's rule specifically excludes ''public road.''

The Federal definition of ''road'' at 30 CFR 701.5 does not address the regulation of public roads. However, as discussed below, this issue has been addressed by SMCRA, other OSM regulations, and the court.

Section 506(a) of SMCRA provides in part that '' * * * no person shall engage in or carry out on lands within a State any *surface coal mining operations* unless such person has first obtained a permit * * *'' (30 U.S.C. 1256(a); emphasis added). The Federal regulations at 30 CFR 773.11(a) contain the same requirement.

Thus, under SMCRA and the corresponding Federal regulations a permit is required before a person may engage in or carry out ''surface coal mining operations.'' Among other things, such ''operations'' include certain roads. Specifically, under section 701(28)(B) of SMCRA, ''surface coal mining operations'' include ''all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities [as are specified in paragraph (A) of this section] and for haulage'' (30 U.S.C. 1291(28)(B)). The Federal regulations at 30 CFR 700.5, in paragraph (b) of the definition of ''surface coal mining operations,'' contain the same requirement.

In the development of the Federal regulations, a significant issue has been the extent to which the term ''roads'' in the definition of ''surface coal mining operations'' applies to public roads. In paragraph (c) of the Federal definition of ''affected area'' at 30 CFR 701.5, OSM previously interpreted the term ''affected area'' as not applying to roads for which ''there is substantial (more than incidental) public use'' (48 FR 14814, 14819, 14822; April 5, 1983), However, that interpretation was successfully challenged in *In re Permanent Surface Mining Regulation Litigation (In re Permanent*, 620 F Supp. 1519, 1581–82 (D.D.C. 1985), *modified sub nom*., *National Wildlife Federation* v. *Hodel*, 839 F.2d 694 (D.C. Cir. 1988). The court (in *In re Permanent*) accepted the Secretary's premise that not every road when used to some degree for coal haulage or mine access falls within the definition of ''surface coal mining operation.'' The court then noted that, presumably, when hauling or access are among many uses made of a road, such as an interstate highway, the effect from the mining use is relatively minor, and thus the road need not be included as part of the surface coal mining operation. However, the court held that the Federal definition of ''affected area'' went beyond what is called for in section 701(28) in exempting essentially all public roads *without regard to the degree of effect that mining use has on the road*. Therefore, the court ruled that roads experiencing substantial public use may also need to be included in the affected area *on a case-by basis, based on the extent of mining-related use*.

Pursuant to court order in *In re Permanent*, OSM modified its interpretation of the extent to which SMCRA applied to public roads. Specifically, OSM suspended the regulatory definition of ''affected area'' ''to the extent that it excludes public roads which are included in the definition of 'surface coal mining operation's'' (51 FR 41952, 41953; November 20, 1986). OSM said that ''[t]he suspension will have the effect of including in the 'affected area' *all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of the regulated activities or for haulage*'' (51 FR 41953; emphasis added).

In the preamble to the final rule establishing, among other things, performance standards for roads associated with surface coal mining operations (the November 8, 1988, roads rule), OSM expressed concern ''that roads constructed to serve mining operations not avoid compliance with the performance standards by being deeded to public entities'' (53 FR 45190, 45193; November 8, 1988). In that preamble, OSM also said that SMCRA jurisdiction over mine roads is best determined on a case-by-case basis and did not adopt a comment that ''public roads be excluded from applicability of the performance standards'' (*Id*. at 45192). Thus, in determining which mining-related roads are subject to regulation, OSM currently relies on the applicable language of the Federal definitions of ''surface coal mining operations'' at section 701(28) of SMCRA and the Federal regulations at 30 CFR 700.5. This may require, in appropriate circumstances, that OSM and State regulatory authorities issue, and surface coal mine operators obtain, permits for certain public roads.

Colorado previously submitted on June 30, 1993, and revised on November 3, 1994, a definition of ''road'' and implementing policy that (1) provided for a determination of the jurisdictional reach of its approved program into the public road system, and (2) took into consideration the extent and effect of mining-related use as factors in determining whether a road is subject to the requirement for a permit, as contemplated by the Federal regulations (administrative record Nos. CO–552 and CO–587). The Director of OSM approved on June 1, 1994 (59 FR 28248, administrative record No. CO–624), Colorado's definition of ''road'' at Rule 1.04(111), as supplemented by the implementing policy for determining when a public road would fall under the jurisdiction of its program.

Colorado's proposed definition of ''road'' at Rule 1.04(111) now under review unconditionally excludes all ''public roads'' from regulation as a road under Colorado's rules and is, therefore, less stringent and less effective that, respectively, the Federal definitions of ''surface coal mining operations'' at section 701(28) of SMCRA and at 30 CFR 700.5 of the Federal regulations. The Director does not approve Colorado's unconditional exemption for public roads at Rule 1.04(111). To be consistent with SMCRA and the Federal regulations, Colorado must revise the definition of ''road'' at Rule 1.04(111) to either delete the exemption for public roads or qualify the exemption for public roads to consider the degree of effect that mining use has on the road.

5. Rules 104(132) and 1.05.1(1), Definition of ''Surface Coal Mining Operations'' and Applicability of Colorado's Rules

a. *Deletion of allowance for a 2-acre exemption*. Colorado proposed to revise Rule 1.05.1(1)(b), concerning applicability of the Colorado program, to delete allowance for an exemption for operations affecting 2-acres or less.

As originally enacted, section 528(2) of SMCRA exempted from the provisions of SMCRA coal extraction

operations affecting 2 acres or less. However, on May 7, 1987, the President signed Pub. L. 100–34, which repealed this exemption and preempted any corresponding acreage-based exemptions included in State laws or regulations (52 FR 21228, June 4, 1987).

Colorado's proposed deletion of reference to a 2-acre exemption at Rule 1.05.1(1)(b) is consistent with SMCRA as amended to delete the 2-acre exemption. Therefore, the Director finds that the deletion of the 2-acre exemption from Rule 1.05.1(1)(b) is no less stringent than SMCRA as amended by Public Law 100–34 and approves it.

b. *Deletion of the allowance for an exemption for extraction of coal incidental to the extraction of other minerals where coal does not exceed 16 and ⅔ percent of the mineral tonnage removed for commercial use or sale.* Colorado proposed to revise the definition of ''surface coal mining operations'' at Rule 104(132) and Rule 1.05.1(1)(b), concerning applicability of the Colorado program, by deleting an exemption from the Colorado program for the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16 and ⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale.

The counterpart Federal definition of ''surface coal mining operations'' at 30 CFR 700.5 and provisions for applicability of the Federal program at 30 CFR 700.11(a)(4) include provisions for this exemption. However, because Colorado's deletion of this provision means that the Colorado program would regulate operations extracting coal incidental to the extraction of other minerals where coal does not exceed 16 and ⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale, Colorado's deletion of the provision causes its program to be more inclusive of operations to be regulated than does the Federal program.

The Director finds that proposed Rules 104(132) and 1.05.1(1)(b) are no less effective than the respective Federal regulations at 30 CFR 700.5 and 700.11(a)(4). The Director approves the proposed rules.

6. Rule 2.05.3(3)(c)(iv), Permit Application Requirements in the Operations Plan for Roads, Conveyors, or Rail Systems Within the Permit Area

Colorado's proposed Rule 2.05.3(3)(c)(iv), concerning the required description in a permit application of the measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert for roads, conveyors, or rail systems within the permit area, has been revised to reference approval of the culvert design under Rule 4.03.1(4)(e)(vi)(C). Referenced Rule 4.03.1(4)(e)(vi)(C) requires approval of drainage by culverts for haul roads.

The Federal regulations at 30 CFR 780.37(a)(1) and 784.24(a)(1) require that ''(a) [e]ach applicant for a surface coal mining and reclamation permit shall submit plans and drawings for each road, as defined in Sec. 701.5 of this chapter, to be constructed, used, or maintained within the proposed permit area. The plans and drawings shall ''[i]nclude a map, appropriate cross sections, design drawings and specifications for road widths, gradients, surfacing materials, cuts, fill embankments, culverts, bridges, drainage ditches, low-water crossings, and drainage structures.'' There is no Federal counterpart to Colorado's requirement for descriptions of measures to protect the inlet end of a ditch relief culverts for roads, conveyors, or rail systems within the permit area. The Federal regulations concerning permit applications pertain to all roads but include only a general requirement for design of culverts. However, this specificity in the Colorado rule does not cause it to be inconsistent with the Federal regulations and ensures a greater degree of environmental protection than does the Federal regulation.

Therefore, the Director finds that Colorado's proposed Rule 2.05.3(3)(c)(iv) is no less effective than the Federal regulations at 30 CFR 780.37(a)(1) and 784.24(a)(1), and approves the proposed rule.

7. Rules 2.06.8(5)(c)(i) (A) and (B), Criteria for Determining Material Damage to Water Quality or Quantity in Alluvial Valley Floors

Colorado's existing Rule 2.06.8(5)(c)(i) specifies specific conductance, which affects water quality and crop production, as the particular factor to evaluate to determine whether material damage to surface or ground water systems has occurred. The existing rule requires that specific conductance be measured by ''Maas, E.V., 'Salt Tolerance of Plants,' Tables 2 and 3.'' Colorado proposes to delete from Rules 2.06.8(5)(c)(i) (A) and (B) the requirement for the use of Maas' publication to set crop salt tolerance threshold values. Instead, Colorado proposes that published research or testing be used to establish the salt tolerance threshold values for specific crop yields. Colorado's proposed rules further require that probable increases in specific conductance of water supplied to an alluvial valley floor shall not exceed the salt tolerance threshold value of any crop grown on the alluvial valley floor, unless the applicant demonstrates that the projected decrease in productivity is negligible to the production of one or more farms.

The Federal regulations at 30 CFR 822.12(a)(2) essentially prohibit mining operations from causing material damage to the quality or quantity of surface or ground water systems that supply alluvial valley floors. The Federal regulations are more general in scope than Colorado's rules, simply stating that water in alluvial valleys shall not be materially damaged by mining. The Federal regulations do not state how to determine that material damage has occurred. Colorado's proposed Rules 2.06.8(5)(c)(i) (A) and (B) set forth a technically acceptable method for evaluating whether a mining operation will damage the water system of an alluvial valley floor.

Therefore, the Director finds that Colorado's proposed Rules 2.06.8(5)(c)(i) (A) and (B) are consistent with and no less effective than the Federal regulations at 30 CFR 822.12(a)(2). The Director approves the proposed rules.

8. Rule 3.02.3(c), Bond Liability Period for Lands With Approved Industrial or Commercial, or Residential Post-mining Land Use

OSM required, at 30 CFR 906.16(g), that Colorado amend its program by revising Rule 3.02.3(c) to require that prior to release of bond liability, the permittee must demonstrate that development of the industrial, commercial, or residential land use has substantially commenced and is likely to be achieved (59 FR 62574, 62577, finding No. 6.a, December 6, 1994, administrative record No. CO–650).

In response to this required amendment, Colorado proposed to revise Rule 3.02.3(c), concerning the bond liability period for lands with approved industrial or commercial, or residential post-mining land use, by adding the phrase ''until the permittee demonstrates that development of such land use has substantially commenced and is likely to be achieved.''

Colorado has satisfied the requirement at 30 CFR 906.16(g). Therefore, the Director finds that Colorado's proposed Rule 3.02.3(c) is consistent with and no less effective than the broad requirements of the Federal regulations at 30 CFR 800.13(a)(1), 816.116(b)(4), 816.133(c), 817.116(b)(4), and 817.133(c). The Director approves proposed Rule

3.02.3(c) and removes the required amendment at 30 CFR 906.16(g).

9. Rules 3.02.4(1), 3.02.4(1)(b), and 3.02.4(2)(c)(ix), Bond Forms

a. *Allowance for use of real property as collateral bond.* Colorado proposed to revise Rule 3.02.4(1) by adding the discretionary allowance, upon approval of the Board, for ''conditioned acceptance of performance bonds as described in 3.02.4(2)(c)(ix).'' Colorado also proposed to reinstate the previously deleted Rule 3.02.4(2)(c)(ix), concerning use of a perfected first-lien security interest in real property located in Colorado, and to recodify existing Rule 3.02.4(2)(c)(ix), concerning a person's right to request notification of actions pursuant to collateral bonds, as Rule 3.02.4(2)(c)(x). The effect of these revisions is to allow real property as an allowable form of collateral bond in the Colorado program.

The Federal definition of ''collateral bond'' at 30 CFR 800.5(b)(5) provides that a perfected, first-lien security interest in real property, in favor of the regulatory authority, may be used to support a collateral bond. The Federal regulations at 30 CFR 800.21(c) set forth the conditions applicable to the use of real property as collateral bond.

Colorado's proposed Rules 3.02.4(1) and 3.02.4(2)(c)(ix) are no less effective than the Federal regulations at 30 CFR 800.21(c). Therefore, the Director approves proposed Rules 3.02.4(1) and 3.02.4(2)(c)(ix), and the recodification of 3.02.4(2)(c)(ix) as 3.02.4(2)(c)(x).

b. *Clarification of requirements pertaining to collateral bonds.* Colorado proposed to revise Rule 3.02.4(1)(b), concerning the allowance for collateral bonds, by adding a reference to Rules 3.02.4(2) (c) and (d). Existing Rule 3.02.4(2)(c) contains requirements for all collateral bonds, and existing Rule 3.02.4(2)(d) contains requirements for an irrevocable letters of credit, which is a form of collateral bond specified in Rule 3.02.4(1)(b). The reference provides clarification that collateral bonds are indeed subject to Rules 3.02.4(2) (c) and (d), but does not substantively alter the implementation of the rules.

The Federal regulations at 30 CFR 800.12 provide for the use of a surety bond, a collateral bond, a self-bond, or a combination of any of these bonding methods. The Federal regulations at 30 CFR 800.21(a) sets forth the conditions applicable to collateral bonds, except for letters of credit, cash accounts, and real property. The Federal regulations at 30 CFR 800.21(b) sets forth the conditions applicable to letters of credit. There is no reference at 30 CFR 800.12 to the conditions applicable to each bond form.

The Director finds that Colorado's revision of Rule 3.02.4(1)(b) to reference the conditions set forth at Rules 3.02.4(2) (c) and (d) provides a degree of specificity that is no less effective than the Federal regulations at 30 CFR 800.12 and 800.21 (a) and (b). The Director approves the proposed rule.

10. Rule 3.02.4(d)(i), Irrevocable Letters of Credit

Colorado proposed to revise Rule 3.02.4(d)(i), concerning irrevocable letters of credit, by modifying the requirement that the letter may only be issued by a bank organized or authorized to do business in the United States ''and located in the state of Colorado,'' to state that ''the bank need not be located in the state of Colorado if the letter of credit can be exercised at an affiliate or subsidiary located in the State of Colorado.''

The counterpart Federal regulation at 30 CFR 800.21(b)(1) requires that letters of credit ''may be issued only by a bank organized or authorized to do business in the United States.''

Colorado's proposed Rule 3.02.4(d)(i) provides requirements for letters of credit as forms of collateral bond that are in addition to those provided in the Federal program, but that are not inconsistent with the Federal regulations at 30 CFR 800.21(b)(1). The Director finds that proposed Rule 3.02.4(d)(i) is no less effective than the Federal regulation at 30 CFR 800.21(b)(1). The Director approves the proposed rule.

11. Rule 3.03.1(2)(b), Requirements for Establishment of Vegetation Which Must Be Demonstrated Prior to Phase II Bond Release

Colorado proposed to revise Rule 3.03.1(2)(b), concerning requirements for establishment of vegetation which must be demonstrated prior to phase II bond release, to (1) delete the requirement that vegetation must ''exhibit[s] seasonality and species composition consistent with the ultimate achievement of the success standards'' and (2) add the requirement that vegetation must ''support[s] the approved postmining land use.''

The seasonality and species composition of vegetation is determined by the approved postmining land use. In effect, Colorado has restated the requirement using somewhat broader language. The counterpart Federal regulation at 30 CFR 800.40(c)(2) does not contain this level of specificity as it refers only to ''revegetation [that] has been established on the regraded mined lands in accordance with the approved reclamation plan.'' Colorado's existing Rule 4.15.8(2) requires that vegetative cover be evaluated for determination of revegetation success; it also requires that the seasonality be the same as that native to the disturbed land or that which supports the approved postmining land use. Therefore, the requirement (for demonstration at phase II bond release) that the vegetation must support the approved postmining land use is consistent with the Federal regulation at 30 CFR 800.40(c)(2) and is consistent with Colorado's requirement at Rule 4.15.8(2) for final determination of revegetation success.

Colorado also proposed to review Rule 3.03.1(2)(b) by adding the requirement that ''with the exception of prime farmlands, evaluation of vegetation establishment pursuant to this paragraph is based on statistically valid data collected during a single year of the liability period.'' This requirement ensures that data collected over several years and averaged, which may compromise the validity of the demonstration, could not be used.

The Federal regulations at 30 CFR 800.40(c)(2), with the exception of the reference to other regulations concerning prime farmlands, do not address a time period during which the data used to demonstrate establishment of revegetation is collected at phase II bond release. Colorado's addition of the requirement that, with the exception of prime farmlands, the data must be collected during a single year is not inconsistent with the Federal regulations.

Therefore, the Director finds that Colorado's proposed revisions of Rule 3.03.1(2)(b) are no less effective than the counterpart requirements in the Federal regulations at 30 CFR 800.40(c)(2). The Director approves the proposed rule.

12. Rule 4.15.10(3), Mine Support Facilities and Commercial or Industrial Postmining Land Use Designations

Colorado proposed to review Rule 4.15.10(3), concerning a variance from the requirement for living ground cover to control erosion for mine support facilities located within areas where the pre- and postmining land use is industrial or commercial, by deleting the requirement that the permittee demonstrate that ''retention of mine support facilities will support the approved post-mining land use.''

OSM previously approved Rule 4.15.10(3) (59 FR 62574, 62578, finding No. 6.b, December 6, 1994, administrative record No. CO–650) as submitted by Colorado on April 18, 1994 (administrative record No. CO–

611). Colorado, in its ''Statement of Basis, Specific Statutory Authority, and Purpose,'' for the April 18, 1994, submission, cited the example of an pre-existing rail loadout facility, and stated that in such limited cases, living ground cover could be in conflict with the proposed use and alternative erosion control measures such as gravel surfacing and appropriate site grading would effectively control erosion. While there is no Federal counterpart to the variance proposed in Rule 4.15.10(3), OSM found that it was consistent with OSM's ten day notice appeal decisions and did not conflict with any Federal requirement. However, OSM is concerned that deletion of the required demonstration that ''retention of mine support facilities will support the approved post-mining land use'' may be interpreted to allow the retention of mine support facilities when they do not support the approved commercial or industrial postmining land use.

The Federal regulations at 30 CFR 816.133(a) and 817.133(a) require that all disturbed areas shall be restored in a timely manner to conditions that are capable of supporting either (1) the uses they were capable of supporting before any mining, or (2) higher or better uses.

Because Colorado's example discussed in its April 18, 1994, ''Statement of Basis, Specific Statutory Authority, and Purpose'' does not conflict with the requirements of the Federal regulations at 30 CFR 816.133(a) and 817.133(a), Colorado's proposed revision of Rule 4.15.10(3) does not cause it to be less effective than the requirements of the Federal regulations at 30 CFR 816.133(a) and 817.133(a). Therefore, the Director approves the proposed Rule 4.15.10(3). However, the Director's approval may not be interpreted to allow retention of mine support facilities when they do not support the approved commercial or industrial postmining land use.

13. Rule 4.20.3(2), Subsidence-Caused Damages

Colorado proposed to revise Rule 4.20.3(2) to require that each person who conducts underground mining activities which result in subsidence that causes material damage or reduces the value or reasonably foreseeable use of surface lands shall:

(a) Promptly restore or rehabilitate any renewable resource lands for which the value or reasonably foreseeable use has been reduced or which have been materially damaged. Such lands shall be restored or rehabilitated to a condition capable of maintaining the value and reasonably foreseeable and appropriate uses they were capable of supporting before subsidence, to the extent technologically and economically feasible.

(b)(i) Promptly repair, rehabilitate, restore, or replace damaged occupied residential dwellings and related structures or noncommercial buildings; or (ii) Compensate the owner of the damaged occupied residential dwelling and related structure or noncommercial building in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable, premium-prepaid insurance policy.

(c) Nothing in 4.20.3 shall be deemed to grant or authorize an exercise of power of condemnation or the right of eminent domain by any person engaged in underground mining activities.

Colorado's proposed Rules 4.20.3(2)(a) through (c), concerning repair of damage to renewable resource lands and repair or compensation of damage to occupied residential dwellings and related structures or noncommercial buildings, incorporate, in part, the revised provisions of the Federal regulations at 30 CFR 817.121 concerning subsidence-caused damages.

Colorado's proposed Rule 4.20.3(2)(a), concerning repair of damage to renewable resource lands, is no less effective than the Federal regulations, concerning repair of damage to surface lands, at 30 CFR 817.121(c)(1). Colorado's proposed Rules 4.20.3(2)(b)(i) and (ii) are no less effective than the Federal regulations, concerning repair or compensation of damage to occupied residential dwellings and related structures or noncommercial buildings, at 30 CFR 817.121(c)(2). Colorado's rules do not include the October 24, 1992, date, as do the Federal regulations at 30 CFR 817.121(c)(2), after which the Federal regulation became effective. This is not an issue because Colorado received no legitimate complaints, with respect to this issue, between October 24, 1992, and August 1, 1995, the promulgation effective date of this proposed rule. There is no Federal counterpart to Colorado's proposed Rule 4.20.3(2)(c), concerning powers of condemnation or right of eminent domain by any person engaged in underground mining activities. However, this rule is not inconsistent with the Federal regulations.

For these reasons, the Director finds that Colorado's proposed Rules 4.20.3(2)(a) through (c) are no less effective than the Federal regulations at 30 CFR 817.121(c)(1) and (2) and approves them.

However, the Director notes that Colorado lacks certain counterpart provisions to the Federal regulations that were promulgated on March 31, 1995 (60 FR 16722). Colorado lacks (1) definitions for ''material damage,'' ''non-commercial building,'' and ''occupied residential dwelling and structures related thereto;'' (2) rules concerning the conditional requirement to minimize material damage to the extent technologically and economically feasible to noncommercial buildings and occupied residential dwellings and structures related thereto; (3) rules concerning repair or compensation according to State law of all other structures; (4) rules concerning rebuttable presumption of causation by subsidence and adjustment of bond amount for subsidence damage; and (5) counterparts to the Federal regulations concerning permitting requirements for the presubsidence survey and the subsidence control plan.

In a future 30 CFR Part 732 letter, OSM will notify Colorado of the additional revisions in its program that are necessary to be no less effective than the revised March 31, 1995, Federal regulations concerning subsidence-caused damages.

IV. Summary and Disposition of Comments

Following are summaries of all substantive oral and written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Colorado program.

The U.S. Fish and Wildlife Service responded on July 24, 1995, that it had no comments on the proposed amendment, and on October 31, 1995, that due to budgetary constraints it was unable to comment on the proposed amendment (administrative record Nos. CO–670–2 and CO–670–14).

The U.S. Army Corps of Engineers responded on August 1 and October 25, 1995, that Colorado's proposed revisions were satisfactory (administrative record Nos. CO–670–3 and CO–670–12).

The U.S. Forest Service responded on August 17 and November 11, 1995, that it had no comments on Colorado's proposed amendment (administrative record No. CO–670–5 and CO–670–15).

The U.S. Mine Safety and Health Administration (MSHA) responded on October 24, 1995, that Colorado's

proposed amendment did not conflict with current MSHA standards (administrative record No. CO–670–11).

The U.S. Natural Resources Conservation Service responded on October 31, 1995, that it had no comments on Colorado's proposed amendment (administrative record No. CO–670–13).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Colorado proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. CO–670–1). It did not respond to OSM's request.

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. CO–670–1). Neither the SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, the Director approves, with one exception and additional requirement, Colorado's proposed amendment as submitted on July 12, 1995, and as supplemented with additional explanatory information on September 26, 1995.

With the requirement that Colorado further revise the definition of ''road'' at Rule 1.04(111), the Director does not approve, as discussed in finding No. 4, the unconditional exemption for regulation of public roads under Colorado's approved program.

The Director approves, as discussed in:

Finding No. 1, Rules 2.03.7(1), 2.05.3(8)(c), 2.05.6(2)(iii)(A), 2.07.2, 3.02.4(1)(d), and 4.08.6(1), concerning nonsubstantive revisions to previously approved rules that consist of editorial revisions;

Finding No. 2, Rules 1.04(80), 1.04(92), and 3.02.2(5), concerning substantive revisions to previously approved rules that are substantively identical to the Federal regulations;

Finding No. 3, Rules 1.04(21), 2.03.3(4), and 2.06.6(2), concerning the definition of ''coal,'' water quality sampling and laboratory analyses, and application contents for prime farmland;

Finding No. 5, Rules 104(132) and 1.05.1(1), concerning the definition of ''surface coal mining operations'' and the applicability of Colorado's rules;

Finding No. 6, Rule 2.05.3(3)(c)(iv), concerning permit application requirements in the operations plan for roads, conveyors, or rail systems within the permit area;

Finding No. 7, Rules 2.06.8(5)(c)(i) (A) and (B), concerning criteria for determining material damage to water quality or quantity in alluvial valley floors;

Finding No. 8, Rule 3.02.3(c), concerning bond liability period for lands with approved industrial or commercial, or residential post-mining land use;

Finding No. 9, Rules 3.02.4(1), 3.02.4(1)(b), and 3.02.4(2)(c)(ix), concerning bond forms;

Finding No. 10, Rule 3.02.4(d)(i), concerning irrevocable letters of credit;

Finding No. 11, Rule 3.03.1(2)(b), concerning requirements for establishment of vegetation which must be demonstrated prior to phase II bond release;

Finding No. 12, Rule 4.15.10(3), concerning mine support facilities and commercial or industrial postmining land use designations as augmented by Colorado's April 18, 1994, ''Statement of Basis, Specific Statutory Authority, and Purpose;'' and

Finding No. 13, Rule 4.20.3(2), concerning subsidence-caused damages.

The Federal regulations at 30 CFR Part 906, codifying decisions concerning the Colorado program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In the oversight of the Colorado program, the Director will recognize only the statutes, regulations and other materials approved by OSM, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Colorado of only such provisions.

VI. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731 and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 5, 1995.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 906—COLORADO

1. The authority citation for Part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 906.15 is amended by adding paragraph (s) to read as follows:

§ 906.15 Approval of regulatory program amendments.

* * * * *

(s) With the exception of Rule 1.04(111), concerning the exemption for public roads in the definition of ''road,'' revisions to the following rules, as submitted to OSM on June 12, 1995, and as supplemented with explanatory information on September 26, 1995, are approved effective December 14, 1995:

Definition of ''coal''—Rule 1.04(21),
Definition of ''operator''—Rule 1.04(80),
Definition of ''person''—Rule 1.04(92),
Definition of ''road''—Rule 1.04(111),
Definition of ''surface coal mining operations''—Rule 104(132),
Applicability of the Colorado program—Rule 1.05.1(1)(b),
Water quality sampling and laboratory analyses—Rule 2.03.3(4),
Lands unsuitable for surface coal mining operations—Rule 2.03.7(1),
Permit application information regarding the measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert for roads, conveyors, or rail systems within the permit area—Rule 2.05.3(3)(c)(iv),
Design of coal processing waste dams and embankments—Rule 2.05.3(8)(c),
Permit application contents of the fish and wildlife plan—Rule 2.05.6(2)(iii)(A),
Permit application contents for prime farmland—Rule 2.06.6(2),
The use of published research or testing to establish the salt tolerance threshold values for specific crop yields in order to assess material damage to the quality or quantity of surface or ground water systems that supply alluvial valley floors—Rules 2.06.8(5)(c)(i) (A) and (B),
Public participation and approval of permit applications—Rule 2.07.2,
Reductions in the required performance bond amount—Rule 3.02.2(5),
Bond liability period for lands with approved industrial or commercial, or residential post-mining land use—Rule 3.02.3(c),
Bond forms—Rule 3.02.4(1), 3.02.4(1)(b), and 3.02.4(2)(c)(ix),
Alternative bonding systems—Rule 3.02.4(1)(d),
Irrevocable letters of credit—Rule 3.02.4(d)(i),
Requirements for establishment of vegetation which must be demonstrated prior to phase ii bond release—Rule 3.03.1(2)(b),
Airblast limitations—Rule 4.08.6(1),
Mine support facilities and commercial or industrial postmining land use designations—Rule 4.15.10(3), as augmented by Colorado's April 18, 1994, ''Statement of Basis, Specific Statutory Authority, and Purpose,'' and
Subsidence-caused damages—Rule 4.20.3(2).

3. Section 906.16 is amended by removing and reserving paragraph (g) and adding paragraph (h) to read as follows:

§ 906.16 Required program amendments.

* * * * *

(h) By February 12, 1996, Colorado shall revise Rule 1.04(111), to delete the exemption for regulation of public roads under Colorado's program, or otherwise modify its program to qualify the exemption for public roads to consider the degree of effect that mining use has on the road.

[FR Doc. 95–30331 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–05–M

ASSASSINATION RECORDS REVIEW BOARD

36 CFR Part 1415

Rules Implementing the Privacy Act

AGENCY: Assassination Records Review Board.

ACTION: Final rulemaking.

SUMMARY: This part contains the regulations of the Assassination Records Review Board (Review Board) implementing the Privacy Act of 1974. The regulations inform the public that the Review Board is responsible for carrying out the provisions of the Privacy Act and for issuing internal Review Board orders and directives in connection with the Privacy Act. These regulations apply to all records that are contained in systems of records maintained by the Review Board and that are retrieved by an individual's name or personal identifier. Elsewhere in today's Federal Register appears a notice describing the Review Board's systems of records.

EFFECTIVE DATE: This regulation is effective January 16, 1996.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel, Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

SUPPLEMENTARY INFORMATION:

Background

Section 3(f) of the Privacy Act of 1974, 5 U.S.C. 552a(f), requires each Federal agency to promulgate rules that set forth procedures by which individuals can examine and request correction of agency records containing personal information. The Review Board, established by the President John F. Kennedy Assassination Records Collection Act of 1992, is therefore obligated to publish such regulations.

Because Privacy Act regulations are intended for use by the general public, the Review Board has tried to keep its rule simple and straightforward. Some aspects of the Privacy Act dealing solely with the Review Board's internal procedures and safeguards may be dealt with by directive to the Review Board's staff rather than by rule.

Notice and Comment Process

The Review Board received no public comments in response to its Notice of Proposed Rulemaking. The staff, in consultation with the Office of Management and Budget, proposed some technical amendments to the regulations. The following changes have been incorporated into the final rule:

Privacy Act queries will be processed by a new Privacy Act Officer rather than by the General Counsel. See §§ 1415.10, 1415.15, 1415.20, and 1415.25.

The term *person* has been replaced throughout by the term *individual* in order to clarify that corporations and other artificial persons are not covered by the Privacy Act regulations.

The definition of system of records in § 1415.10 has been revised to clarify that assassination records coming into the Review Board's temporary possession during its review are not subject to the Privacy Act.

The procedures for the handling of Privacy Act requests has been modified in § 1415.25(b) to extend somewhat the timing of the Review Board's response. The Privacy Act Officer is now allotted ten (rather than five) days to respond to a request and is also given some latitude for an additional extension of time if one proves warranted. Similarly, the allotted time for the Executive Director's response to an appeal is thirty (rather than twenty) days in § 1415.30. The final rules also provide, in § 1415.35, more specific guidance for amending or correcting errors that may appear in records.

Section 1415.55 has been rewritten to provide more specific guidance on the exemptions applicable to the Review Board's various systems of records.

Paperwork Reduction Act Statement

The rule is not subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.* (amended 1995), because it does not contain any information collection requirements within the meaning of 44 U.S.C. 3502(4).

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–12, the Review Board certifies that this rule will not have a significant economic impact on a substantial number of small entities and that, therefore, a regulatory flexibility analysis need not be prepared, 5 U.S.C. 605(b).

Review by OMB

The Office of Management and Budget has reviewed the regulation under Executive Order 12866.

List of Subjects in 36 CFR Part 1415

Privacy Act.

The Final Regulations

The Review Board amends chapter XIV in title 36 of the Code of Federal Regulations by adding a new part 1415 to read as follows:

PART 1415—RULES IMPLEMENTING THE PRIVACY ACT

Sec.
1415.5 Scope.
1415.10 Definitions.
1415.15 Systems of records notification.
1415.20 Requests by individuals for access to their own records.
1415.25 Processing of requests.
1415.30 Appeals from access denials.
1415.35 Requests for amendment of records.
1415.40 Appeals from amendment of denials.
1415.45 Disclosure of records to third parties.
1415.50 Fees.
1415.55 Exemptions.

Authority: 5 U.S.C. 552a; 44 U.S.C. 2107.

§ 1415.5 Scope.

This part contains the Review Board's regulations implementing the Privacy Act of 1974, 5 U.S.C. 552a.

§ 1415.10 Definitions.

In addition to the definitions provided in the Privacy Act, the following terms are defined as follows:

Assassination records, for the purpose of this regulation only, are records created by Government offices (other than the Review Board), entities, and individuals that relate to the assassination of President John F. Kennedy that may, from time to time, come into the temporary custody of the Review Board but that are not the legal property of the Review Board.

Executive Director means the principal staff official appointed by the Review Board pursuant to 44 U.S.C. 2107.8(a).

JFK Act means the President John F. Kennedy Records Collection Act of 1992.

Privacy Act Officer means the person designated by the Executive Director to administer the Review Board's activities pursuant to the regulations in this part.

Review Board means the Assassination Records Review Board created pursuant to 44 U.S.C. 2107.7.

System of records means a group of records that is within the possession and control of the Review Board and from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. Assassination records, as defined above, are not included in the Review Board's systems of records.

§ 1415.15 Systems of records notification.

Any individual who wishes to know whether a system of records contains a record pertaining to him or her may file a request in person or in writing. Written requests should be directed to the Privacy Act Officer, Assassination Records Review Board, 600 E Street, NW, Washington, DC 20530, and should be clearly marked ''Privacy Act Request.''

§ 1415.20 Requests by an individual for access to their own records.

(a) *Requests in writing.* An individual may request access to his or her own records in writing by addressing a letter to the Privacy Act Officer, Assassination Records Review Board, 600 E Street, NW, 2nd Floor, Washington, DC 20530. The request should contain the following information:

(1) Full name, address, and telephone number of requester;

(2) Proof of identification, which should be a copy of one of the following: Valid driver's license, valid passport, or other current identification which contains both an address and picture of the requester;

(3) The system of records in which the desired information is contained; and

(4) At the requester's option, authorization for expenses (see § 1415.50 below).

(b) *Requests in person.* Any individual may examine his or her own record on the Review Board's premises. To do so, the individual should call the Review Board's offices at (202) 724–0088 and ask to speak to the Privacy Act Officer. This call should be made at least two weeks prior to the time the requester would like to see the records. During this call, the requester should be prepared to provide the same information as that listed in paragraph (a) of this section except for proof of identification.

§ 1415.25 Processing of requests.

(a) The Privacy Act Officer will process all requests under both the Freedom of Information Act and the Privacy Act.

(b) The Privacy Act Officer will respond to the request within ten working days of its receipt by the Privacy Act Officer. If the Review Board needs additional time to respond, the Privacy Act Officer will provide the requester an explanation as to why the Review Board requires an extension.

(c) Following the initial call from the requester, the Privacy Act Officer will determine: whether the records identified by the requester exist, and whether they are subject to any exemption under § 1415.55 below. If the records exist and are not subject to exemption, the Privacy Act Officer will call the requester and arrange an appointment at a mutually agreeable time when the records can be examined. At the appointment, the requester will

be asked to present identification as stated in § 1415.20(a)(2). The requester may be accompanied by one individual of his or her own choosing, and should state during this call whether or not a second individual will be present at the appointment. In the event that a second individual accompanies the requester, the requester will be asked to provide the Review Board with written consent to disclose his or her records to the second individual.

(d) If a request is received for information compiled in reasonable anticipation of a civil action or proceeding, the Privacy Act Officer will determine whether to disclose the information and will inform the requester whether this information is subject to release under the Privacy Act (see 5 U.S.C. 552a(d)(5)).

§ 1415.30 Appeals from access denials.

When access to records has been denied in whole or in part by the Privacy Act Officer, the requester may file an appeal in writing. This appeal should be directed to the Executive Director, Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, DC 20530. The appeal letter must specify those denied records that are still sought and state why the denial by the Privacy Act Officer is erroneous. The Executive Director or his representative will respond to such appeals within thirty working days after the appeal letter is received in the Review Board's offices, unless, for good cause shown, the Executive Director extends such thirty day period. The appeal determination will explain the basis for continuing to deny access to any requested records and will notify the requester of his or her right to judicial review of the Executive Director's determination.

§ 1415.35 Requests for amendment of records.

(a) *Amendment requests.* Any person is entitled to request amendment of a record pertaining to him or her. This request must be made in writing and should be addressed to the Privacy Act Officer, Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, DC 20530. The letter should clearly identify the amendments desired. An edited copy will usually be acceptable for this purpose.

(b) *Initial response.* The Privacy Act Officer will acknowledge the request for amendment within ten working days of receipt of the request. The Privacy Act Officer will provide a letter to the requester within thirty working days stating whether or not the request for amendment has been granted or denied. The Privacy Act Officer will amend information that is not accurate, relevant, timely, or complete, unless the record is excluded or exempt. If the Privacy Act Officer decides to deny any portion of the amendment request, the reasons for the denial will be provided to the requester. In addition, the Privacy Act Officer will inform the requester of his or her right to appeal the Privacy Act Officer's determination to the Executive Director.

§ 1415.40 Appeals from amendment of denials.

(a) When amendment of records has been denied by the Privacy Act Officer, the requester may file an appeal in writing. This appeal should be directed to the Executive Director, Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, DC 20530. The appeal letter must specify the record subject to the appeal, and state why the denial of amendment by the Privacy Act Officer is erroneous. The Executive Director or his representative will respond to such appeals within thirty working days (subject to extension by the Executive Director for good cause) after the appeal letter has been received in the Review Board's offices.

(b) The appeal determination, if adverse to the requester in any respect, will:

(1) Explain the basis for denying amendment of the specified records;

(2) Inform the requester that he or she may file a concise statement setting forth reasons for disagreeing with the Executive Director's determination; and

(3) Inform the requester of his or her right to pursue a judicial remedy under 5 U.S.C. 552a(g)(1)(A).

§ 1415.45 Disclosure of records to third parties.

Records subject to the Privacy Act that are requested by a person other than the individual to whom they pertain will not be made available except in the following circumstances:

(a) Release is required under the Freedom of Information Act in accordance with the Review Board's FOIA regulations, 36 CFR part 1410;

(b) Pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains; or

(c) Release is authorized by 5 U.S.C. 552a(b)(1) or (3) through (11).

§ 1415.50 Fees.

A fee will not be charged for search or review of requested records, or for amendment of records. When a request is made for copies of records, a copying fee will be charged at the same rate established for FOIA requests. See 36 CFR 1410.35. However, the first 100 pages will be free of charge.

§ 1415.55 Exemptions.

(a) The systems of records entitled ''Personal Security Files'' and ''Subject File'' contain some information specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and which is properly classified pursuant to such Executive Order. Therefore, to the extent that information in these systems falls within the coverage of exemption (k)(1) of the Privacy Act, 5 U.S.C. 552a(k)(1), these systems of records are eligible for exemption from the requirements of the following subsections of the Privacy Act: subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). Disclosure of information properly classified pursuant to an Executive Order would jeopardize the national defense or foreign policy of the United States.

(b) The systems of records entitled ''Agency Contacts,'' ''Investigations,'' ''Public Contacts,'' and ''Subject File'' consist, in part, of investigatory material compiled by the Review Board for law enforcement purposes other than material within the scope of subsection (j)(2) of 5 U.S.C. 552a. Provided however, that if any individual is denied any right, privilege or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence. Therefore, to the extent that information in these systems falls within the coverage of exemption (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), these systems of records are eligible for exemption from the requirements of the following subsections of the Privacy Act, for the reasons stated below.

(1) From subsection (c)(3) because release of the agency's accounting of certain disclosures to an individual who is the subject of an investigation could reveal the nature and scope of the investigation and could result in the altering or destruction of evidence, improper influencing of witnesses, and

other evasive actions that could impede or compromise the investigation.

(2) From subsection (d) because release of investigative records to an individual who is the subject of an investigation could interfere with pending or prospective law enforcement proceedings, constitute an unwarranted invasion of the personal privacy of third parties, reveal the identity of confidential sources, or reveal sensitive investigative techniques and procedures.

(3) From subsections (d)(2), (3), and (4) because amendment or correction of investigative records could interfere with pending or prospective law enforcement proceedings, or could impose an impossible administrative and investigative burden by requiring the Review Board continuously to retrograde its investigations attempting to resolve questions of accuracy, relevance, timeliness, and completeness.

(4) From subsection (e)(1), because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation.

(5) From subsection (e)(4)(G) and (H), because the Review Board is claiming an exemption for subsections (d) (Access to Records) and (f) (Agency Rules) of the Act, these subsections are inapplicable to the extent that these systems of records are exempted from subsections (d) and (f).

(6) From subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to the person dealing with an actual or potential investigation must be exempted because such notice to an individual would be detrimental to the successful conduct of a pending or future investigation. In addition, mere notice of an investigation could inform the subject or others that their activities either are, or may become, the subject of an investigation and might enable the subjects to avoid detection or to destroy assassination records. Since the Review Board is claiming an exemption for subsection (d) of the Act (Access to Records) the rules require pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(c) The systems of records entitled ''Employment Applications'' and ''Personal Security Files'' consist in part of investigatory material compiled by the Review Board for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence. Therefore, to the extent that information in these systems falls within the coverage of Exemption (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), these systems of records are eligible for exemption from the requirements of subsection (d)(1), because release would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality. Revealing the identity of a confidential source could impede future cooperation by sources, and could result in harassment or harm to such sources.

Dated: December 8, 1995.

David G. Marwell,

Executive Director, Assassination Records Review Board.

[FR Doc. 95–30384 Filed 12–13–95; 8:45 am]

BILLING CODE 6118–01–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 9511277–5277–01]

RIN 0651–AA65

Cross-Appeals in Patent and Trademark Office Disciplinary Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending a rule of practice in disciplinary cases to provide a time period for filing a cross-appeal to the Commissioner of Patents and Trademarks after the initial decision of the Administrative Law Judge (ALJ). This amendment will simplify the appeals practice in disciplinary cases by eliminating the need to file contingent appeals.

EFFECTIVE DATE: January 16, 1996.

FOR FURTHER INFORMATION CONTACT: Karen L. Bovard, 703–308–5316.

SUPPLEMENTARY INFORMATION: The PTO issued a second notice of proposed rulemaking to amend a rule of practice in practitioner disciplinary proceedings. 60 FR 4395, Jan. 23, 1995. Under the existing practice, after the ALJ's initial decision, a party (either the respondent or the Director of the Office of Enrollment and Discipline) might be obliged to file a contingent appeal to protect cross-appealable issues in the event the opposing party filed an appeal. The amended rule provides a time period for the party to file a cross-appeal after the opposing party has appealed to the Commissioner from the ALJ's initial decision.

No comment to the second notice of proposed rulemaking was received. The proposed rule is adopted.

Other Considerations

This rule change conforms with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), Executive Orders 12612 and 12866, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the rule change will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The principal impact of the rule change is to provide a time period to file a cross-appeal in a PTO disciplinary proceeding. See the first notice of proposed rulemaking. 58 FR at 38996.

The PTO has determined that the rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612. The rule change is not significant for the purposes of Executive Order 12866.

The rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no recordkeeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 10

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

Pursuant to the authority contained in 35 U.S.C. 6, the PTO amends 37 CFR part 10 as follows:

PART 10—REPRESENTATION OF OTHERS BEFORE THE PATENT AND TRADEMARK OFFICE

1. The authority citation for 37 CFR part 10 continues to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

2. Section 10.155 is amended by revising paragraph (a) to read as follows:

§ 10.155 Appeal to the Commissioner.

(a) Within thirty (30) days from the date of the initial decision of the administrative law judge under § 10.154, either party may appeal to the Commissioner. If an appeal is taken, the time for filing a cross-appeal expires 14 days after the date of service of the appeal pursuant to § 10.142 or 30 days after the date of initial decision of the administrative law judge, whichever is later. An appeal or cross-appeal by the respondent will be filed and served with the Director in duplicate and will include exceptions to the decisions of the administrative law judge and supporting reasons for those exceptions. If the Director files the appeal or cross-appeal, the Director shall serve on the other party a copy of the appeal or cross-appeal. The other party to an appeal or cross-appeal may file a reply brief. A respondent's reply brief shall be filed and served in duplicate with the Director. The time for filing any reply brief expires thirty (30) days after the date of service pursuant to § 10.142 of an appeal, cross-appeal or copy thereof. If the Director files a reply brief, the Director shall serve on the other party a copy of the reply brief. Upon the filing of an appeal, cross-appeal, if any, and reply briefs, if any, the Director shall transmit the entire record to the Commissioner.

* * * * *

Dated: December 7, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 95–30340 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA141–1–7247; FRL–5326–7]

Approval and Promulgation of State Implementation Plans; California—Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving certain provisions in the state implementation plan (SIP) revision submitted by the State of California. The California Air Resources Board (CARB) adopted these provisions on November 15, 1994, as part of ''The 1994 California State Implementation Plan for Ozone.'' The portions of the SIP approved today are commitments by the CARB to adopt regulations for various mobile source and consumer product categories by particular dates to achieve specific emission reductions of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in order to attain the national ambient air quality standards (NAAQS) for ozone.

The effect of EPA's approval of these commitments is to incorporate the commitments into the federally approved SIP. EPA is approving the commitments under provisions of the Clean Air Act (CAA or ''the Act'') regarding EPA actions on SIP submittals and general rulemaking authority because these revisions strengthen the SIP.

EFFECTIVE DATE: This approval is effective on January 16, 1996.

ADDRESSES: Materials relevant to this rulemaking are available for review at the following location: Office of Federal Planning (A–1–2), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Interested persons may make an appointment with Ms. Virginia Petersen at (415) 744–1265, to inspect the docket at EPA's San Francisco office on weekdays between 9 a.m. and 4 p.m.

A copy of the SIP submittal is also available for inspection at the address listed below: California Air Resources Board, 2020 L Street, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Julia Barrow (415) 744–2434, at the Office of Federal Planning (A–1–2), Air and Toxics Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION: On August 21, 1995 (60 FR 43421), EPA proposed to approve certain State commitments included in Volume II of the California Ozone SIP, ''The Air Resources Board's Mobile Source and Consumer Products Elements.'' These commitments were originally submitted on November 15, 1994, were subsequently updated, corrected, and resubmitted on December 29, 1994, and were found to be complete on January 30, 1995 and April 18, 1995, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V.[1]

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

EPA is today finalizing approval of the State's commitments listed below, in advance of CARB adoption of regulations. EPA is finalizing SIP approval of these enforceable CARB commitments under section 110(k)(3) and 301(a) for their strengthening effect. The CARB commitments approved today are as follows:

Measure M3, Accelerated Ultra-Low Emission Vehicle (ULEV) requirement for Medium-Duty Vehicles (MDVs), adoption 1997, implementation 1998–2002, South Coast reductions in 2010—32 tons per day (tpd) NO_X, 4 tpd reactive organic gases (ROG). These reductions will be achieved by an increase in MDV ULEVs, as currently defined by CARB, from 10 percent of sales of new MDVs in 1998 model year to 100 percent in 2002 and later model years.

Measure M5, Heavy-Duty Vehicles (HDVs)—NO_X regulations, adoption 1997, implementation 2002, South Coast reductions in 2010–56 tpd NO_X, 4 tpd ROG. These reductions will be achieved by CARB adoption of a 2.0 gram per brake horsepower-hour NO_X exhaust emission standard for new heavy-duty truck engines sold in California beginning in 2002, or by implementation of alternative measures which achieve equivalent or greater reductions. Alternatives under consideration include expanded introduction of alternative-fueled and low-emission diesel engines through demand-side programs and incentives, retrofit of aerodynamic devices, reduced idling, and speed reduction.

Measure M8, Heavy-Duty Gasoline Vehicles (HDGVs)—lower emission standards, adoption 1997, implementation 1998–2002, South Coast reductions in 2010—3 tpd NO_X. These reductions will be achieved by application of 3-way catalyst technology in HDGVs will obtain 50 percent reductions of NO_X and ROG emissions from these engines.

Measure M11, Industrial Equipment, Gas & LPG—three-way catalyst technology, adoption 1997, implementation 2000–2004, South Coast reductions in 2010—14 tpd NO_X, 29 tpd ROG. Emission standards for new engines greater than 25 hp and less than 175 hp will be phased in beginning in 2000, based on the use of closed-loop 3-way catalyst systems, which are expected to reduce ROG by 75 percent and NO_X by at least 50 percent.

Measure CP–2, Mid-Term Consumer Products (''Phase II''), adoption July 1997, reductions in 2005—25 percent reduction beyond currently adopted CARB regulations, South Coast reductions in 2010—34 tpd ROG.

Two public comments were received on the proposed approval. Texaco Refining and Marketing recommended that EPA recognize and consider the flexibility that CARB intended for Measure M3, citing the following language from the SIP submittal:

[t]he heaviest medium-duty vehicles may have problems meeting the ULEV standard. However it may be possible to compensate for this situation through flexible standards which allow credits to be generated by the more populous lighter medium-duty vehicles. In addition, other mixes of vehicles and technologies could provide equivalent emission reductions.

EPA fully supports CARB's statement of its flexibility in developing and implementing this measure.

The Chemical Specialties Manufacturers Association (CSMA) commented on Measure CP–2. CSMA noted that EPA incorrectly identified the measure as ''phase III.'' In the current CARB nomenclature, CP–2 is ''phase II'' of the State's consumer product element. EPA has revised the measure identification accordingly. CSMA also commented that CARB did not cite its full legislative authority to adopt the measure. EPA believes that CARB has sufficient authority to adopt and implement regulations to achieve the SIP's reduction targets. Finally, CSMA stated that CARB's proposed 25 percent reduction target for the measure is not supported by CARB's data, and CSMA further noted that EPA, CARB, and industry have met recently to discuss refinements to the categorization of consumer products. EPA continues to believe that the State's commitment to adopt the CP–2 measure, including its reduction target, should be approved.

As discussed in the proposed approval, EPA is firmly committed to assisting CARB in its efforts to develop and adopt the associated State regulations, which are essential if the State is to meet the public health goals of the Act. EPA shares the State's dedication, reflected in these commitments, to achieve real and sustainable progress toward clean air at the least cost. EPA intends to work closely with CARB to speed full SIP approval of the regulations eventually adopted by the State.

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

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small business, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the Clean Air Act, do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal/state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Unfunded Mandates

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of these SIP revisions, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182 of the CAA. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved today will impose 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 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. EPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 22, 1995.

Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(204)(i)(A)(*5*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(204) * * *

(i) * * *

(A) * * *

(*5*) Mid-Term Measures, Accelerated Ultra-Low Emission Vehicle (ULEV) requirement for Medium-Duty Vehicles (Measure M3), Heavy-Duty Vehicles NO_X regulations (Measure M5), Heavy-Duty Gasoline Vehicles lower emission standards (Measure M8), Industrial Equipment, Gas & LPG—3-way catalyst technology (Measure M11), Mid-Term Consumer Products (Measure CP–2), as contained in The California State Implementation Plan for Ozone, Volume II: The Air Resources Board's Mobile

Source and Consumer Products Elements, adopted on Nov. 15, 1994.

* * * * *

[FR Doc. 95–30511 Filed 12–13–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 950206040–5040–01; I.D. 120895B]

Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 1995 prohibited species bycatch mortality allowance of Pacific halibut specified for the Pacific cod hook-and-line fishery in the BSAI has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), December 11, 1995, until 12 midnight, A.l.t., December 31, 1995.

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

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1995 Pacific halibut bycatch mortality allowance for the hook-and-line Pacific cod fishery, which is defined at § 675.21(b)(2)(ii)(A), is 725 metric tons (60 FR 8479, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(d), that the Pacific halibut bycatch mortality allowance for the Pacific cod hook-and-line fishery in the BSAI has been reached. Therefore, NMFS is prohibiting directed fishing for Pacific cod by vessels using hook-and-line gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.20 and is exempt review under E.O. 12866.

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

Dated: December 8, 1995.

Richard W. Surdi,

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

[FR Doc. 95–30468 Filed 12–11–95; 12:34 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 240
Thursday, December 14, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 61, 141, 143

[Docket No. 25910; Notice No. 95–11]

RIN 2120–AE71

Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This action extends the comment period on Notice No. 95–11: Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules. The comment period is extended from December 11, 1995, to February 12, 1996. This action is in response to a request from the Helicopter Association International to allow all affected parties additional time to comment. The extension of the comment period is justified because of the unusually large size of the proposal and the numerous technical issues raised.

DATES: The comment period for Notice No. 95–11 is extended until February 12, 1996.

ADDRESSES: Comments should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel (Attention: Rules Docket, AGC–200), Docket No. 25910, 800 Independence Avenue SW., Washington, DC 20591. Comments on this notice may be examined in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: John Lynch, Certification Branch, AFS–840, General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 267–3844.

SUPPLEMENTARY INFORMATION: On August 11, 1995, the Federal Aviation Administration (FAA) issued Notice No. 95–11: Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules [60 FR 41160]. Comments to Notice No. 95–11 were to be received on or before December 11, 1995.

By letter dated November 9, 1995, the Helicopter Association International (HAI) requested that the FAA extend the comment period for Notice No. 95–11 to March 31, 1996. HAI noted that the proposal contains a myriad of far-reaching changes, and that the sheer bulk and detail of those changes warrant more than 120 days to prepare well-reasoned comments.

Due to the unusually large size of the proposal and the numerous technical issues raised in the proposal, general aviation groups were not able to disseminate information to their members in a timely manner. Therefore, the FAA has determined that a 2-month extension of the comment period is in the public interest.

In order to give HAI members and other interested parties sufficient time to comment, the FAA has determined that it is in the public interest to extend the comment period. However, other commenters have urged the FAA to finalize certain areas of the proposal as soon as possible. In an effort to provide interested parties sufficient time to comment, while at the same time ensuring the final rule is published in a punctual manner, the FAA will extend the comment period until February 12, 1996.

Issued in Washington, DC on December 8, 1995.

William J. White,

Acting Director, Flight Standards Service.

[FR Doc. 95–30445 Filed 12–11–95; 12:34 pm]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 95–SW–27–AD]

Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Robinson Helicopter Company (Robinson) Model R22 helicopters, that currently requires installing a low-rotor RPM caution light and resetting the low-RPM warning unit to activate the warning horn and caution light at 94% to 96% revolutions-per-minute (RPM). This action would require installation of an improved throttle governor; an adjustment to the warning horn threshold to increase the RPM at which the warning horn and caution light activate; and, revisions to the R22 Rotorcraft Flight Manual that prohibit flight with the improved throttle governor inoperative, except in certain situations. This proposal is prompted by an FAA Technical Panel review of Model R22 accident history data which revealed that main rotor (M/R) blade stall at abnormally low M/R RPM resulted in accidents. The actions specified by the proposed AD are intended to minimize the possibility of pilot mismanagement of the M/R RPM, which could result in unrecoverable M/R blade stall and subsequent loss of control of the helicopter.

DATES: Comments must be received by Janaury 29, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–27–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James Wang, Helicopter Program Manager, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712–4137, telephone (310) 627–5303; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified

above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–SW–27–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–27–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On April 28, 1983, the FAA issued AD 82–23–51, Amendment 39–4645 (48 FR 21894, May 16, 1983), to require installing a low-rotor RPM caution light and resetting the low-RPM warning unit to activate the warning horn and caution light at 94% to 96% RPM. That action was prompted by several accidents involving M/R blades striking the helicopter tailboom in flight. Some tailboom strikes have been attributed to M/R blade stall at abnormally low RPM. The requirements of that AD are intended to provide early detection of low-rotor RPM to minimize the possibility of severe M/R blade flapping, which could result in the M/R blades striking the tailboom and subsequent loss of control of the helicopter.

Since the issuance of that AD, an FAA Technical Panel review of Model R22 helicopter accident history data revealed that some accidents resulted from pilot mismanagement of the M/R RPM.

One of the Technical Panel's recommendations was for the manufacturer to configure the Model R22 with an improved throttle governor. Robinson has incorporated the improved throttle governor on new production helicopters, and has made the improved throttle governor available as a retrofit kit for all Model R22 helicopters.

The FAA agrees with the Technical Panel's recommendation and has determined that an improved throttle governor should be used to maintain M/R RPM, thereby decreasing the possibility of M/R blade stall resulting in the M/R blades striking the helicopter tailboom in flight. The improved throttle governor will also reduce pilot workload, allowing the pilot to focus more attention on other aspects of flying the aircraft and avoiding possible obstructions. There are four types of governors currently available for installation on the Model R22 helicopters. Three are throttle/collective governor models that will automatically make throttle (RPM) and collective stick position (pitch) corrections. The fourth governor, which is the improved throttle governor, makes only throttle (RPM) corrections and significantly improves the ability to maintain M/R speed control. Some operators find throttle/collective governor corrections of collective stick position to be distracting and routinely fly with the throttle/collective governor selected off, thus defeating the governor's purpose of tighter rotor RPM control. While other operators find these throttle/collective governor collective stick movements acceptable, the FAA is concerned about the different operating characteristics and associated safety implications of a mixed fleet of throttle/collective and improved throttle governors, particularly in the training environment. The differences in flight operating characteristics between the throttle/collective governor and the improved throttle governor are significant and could cause confusion and an unsafe condition for students and low-time pilots when changing between Model R22 helicopters. The FAA therefore proposes to require the installation and use of the improved throttle governor to enhance the ability to maintain M/R speed control on all Model R22 helicopters, to eliminate possibly distracting collective stick position corrections on those aircraft currently equipped with the throttle/collective governor, and to maintain consistent flight operating characteristics of the Model R22 fleet.

A second recommendation made by the Technical Panel was to increase the RPM at which the warning horn and caution light activate, thereby allowing additional time for the initiation of corrective action between the activation of the warning horn and caution light and the onset of M/R blade stall. The installation of the improved throttle governor will allow for this increase in the warning threshold, without unnecessary nuisance activations, due to the governor's ability to maintain tighter control of the M/R RPM.

Based on these recommendations, Robinson issued Robinson Helicopter Company R22 Service Bulletin SB–80A, Revised June 8, 1995, which describes procedures for installation of a KI–67–2 Governor Field Installation Kit on certain serial-numbered Model R22 helicopters, and procedures for increasing the RPM threshold at which the warning horn and caution light activate to avoid inadvertent low M/R RPM. This condition, if not corrected, could result in unrecoverable M/R blade stall and a subsequent loss of control of the helicopter. Since the issuance of this service bulletin, Robinson has manufactured a KI–67–3 Governor Upgrade Kit to incorporate the improved throttle governor on helicopters that have a throttle/collective governor currently installed.

Since an unsafe condition has been identified that is likely to exist or develop on other Robinson Model R22 helicopters of the same type design, the proposed AD would require: the installation of an improved throttle governor on certain Model R22 helicopters not currently equipped with a governor, or the upgrade to the improved throttle governor on those Model R22 helicopters currently equipped with a throttle/collective governor; an adjustment to the warning horn and caution light threshold from 95± 1% RPM to between 96% and 97% RPM to increase the RPM at which the warning activates; and revisions to the Robinson Helicopter Company R22 Rotorcraft Flight Manual prohibiting flight with the governor selected off, with exceptions for system malfunction and emergency procedures training with an instructor pilot.

The FAA estimates that 1,014 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours to install the improved throttle governor, or 7 hours to upgrade the throttle/collective governor, and approximately 0.2 work hours to accomplish the adjustment of the light/warning horn RPM, and that the average labor rate is $60 per work hour. Required parts would cost approximately $2,150 per helicopter to install the improved throttle governor, or approximately $500 for upgrading the throttle/collective governor per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,678,988. This cost estimate assumes that no helicopters are currently

equipped with a governor and all will need the improved throttle governor installed.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–4645 (48 FR 21894, May 16, 1983), and by adding a new airworthiness directive (AD) to read as follows:

Robinson Helicopter Company: Docket No. 95–SW–27–AD. Supersedes AD 82–23–51, Amendment 39–4645.

Applicability: Model R22 helicopters, serial numbers (S/N) 0002 to 2537, certificated in any category.

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

Compliance: Required within the next 30 days after the effective date of this AD, unless accomplished previously.

To minimize the possibility of pilot mismanagement of the main rotor (M/R) revolutions-per-minute (RPM), which could result in unrecoverable M/R blade stall and subsequent loss of control of the helicopter, accomplish the following:

(a) Adjust the A569–1 or –5 low-RPM warning unit so that the warning horn and caution light activate when the M/R RPM is between 96% and 97% rotor RPM in accordance with the procedures contained in the Model R22 maintenance manual.

(b) For Model R22 helicopters that do not have a governor currently installed, install a Robinson Helicopter Company KI–67–2 Governor Field Installation Kit in accordance with the kit instructions.

(c) For Model R22 helicopters that have a throttle/collective governor currently installed, upgrade the governor with a Robinson Helicopter Company KI–67–3 Governor Upgrade Kit in accordance with the kit instructions.

(d) Upon accomplishment of paragraph (b) or (c) of this AD, insert pages 2–2 and 2–7 of the FAA-approved Robinson Helicopter Company R22 Rotorcraft Flight Manual, revised July 6, 1995, into each Model R22 helicopter's flight manual, and make pen-and-ink changes to page 2–7 to delete the phrase ''If equipped with RPM governor,'' and add the phrase ''with an instructor pilot'' so that the affected limitation will state ''Flight prohibited with governor selected off, with exceptions for system malfunction and emergency procedures training with an instructor pilot.'' Also, delete the phrase ''If not equipped with RPM governor,'' so that the affected limitation will state ''Maximum power-on RPM required during takeoff, climb, or level flight below 500 feet AGL or above 5000 feet density altitude.''

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through FAA Principal Maintenance Inspectors, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

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

Issued in Fort Worth, Texas, on December 6, 1995.

Daniel P. Salvano,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–30422 Filed 12–13–95; 8:45 am]

BILLING CODE 4910–13–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2013

Weekly Allocation of NAFTA Tariff-Rate Quotas for Fresh Tomatoes

AGENCY: Office of the Untied States Trade Representative.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of the United States Trade Representative is considering a proposal to allocate on a weekly basis the seasonal tariff-rate quotas for fresh tomatoes which were established under the North American Free Trade Agreement. Public comment is invited.

DATES: Written comments must be received on or before March 13, 1996.

ADDRESSES: Comments should be mailed to Leonard W. Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508. Envelopes should be marked: ''Tomato ANPR''.

FOR FURTHER INFORMATION CONTACT: Leonard W. Condon (202) 395–9564.

SUPPLEMENTARY INFORMATION: Article 302(4) of the North American Free Trade Agreement (NAFTA) provides that each NAFTA party '' * * * may adopt or maintain import measures to allocate in-quota imports made pursuant to a tariff rate quota set out in Annex 302.2, provided that such measures do not have trade restrictive effects on imports additional to those caused by the imposition of the tariff rate quota.''

Section 321(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3391(c)) provides that in ''implementing the tariff rate quotas set out in the United States Schedule to Annex 302.2 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the

United States.'' The President has delegated this authority with respect to the tomato tariff-rate quotas (TRQ's) to the United States Trade Representative (USTR).

Concern has been expressed about the impact on domestic markets of surges in imports of Mexican tomatoes. Allocation of the existing seasonal TRQ's on a weekly basis is an option which could address that concern. USTR is considering that option and seeking public comment.

Mexico typically supplies over 90 percent of U.S. fresh tomato imports. During the winter months, more than 25 percent of the fresh tomatoes consumed in the United States are grown in Mexico.

In accordance with terms of the NAFTA, this proposal would affect only tomatoes imported into the United States from Mexico during the periods March 1 through July 14 through the year 2002 and November 15 through February until February 2003. Tomatoes entered from Mexico eligible for the in-quota tariff would be charged the declining NAFTA rate. All other Mexican tomatoes would be charged the most favored nation rate.

Tariffs on tomatoes imported from Mexico during the period July 15 through November 14 are being phased out over five years. No TRQ's apply from July 15 through November 14. Entries during this period would be unaffected.

Allocation Methodology: One method for allocating the in-quota quantity for each of the tariff-rate quotas would be to distribute the specified quantity evenly on a weekly basis throughout each TRQ period. Since the in-quota quantity for each TRQ increases each year, an annual re-calculation of the weekly TRQ's would be necessary.

The following is an example of how the in-quota quantity could be distributed on a weekly basis:

According to U.S. Note 10 to subchapter VI of chapter 99 of the HTS, for the period November 15, 1995 through February 29, 1996, the in-quota quantity is 177,469,000 kilograms (kg.).

The seasonal TRQ would be divided evenly into weekly allocations. The period from November 15, 1995, through February 29, 1996, includes 14 complete weeks and portions of two weeks at the beginning and end of the period. To calculate the weekly allocation for the season, the total seasonal TRQ of 177,469,000 kg would be divided by 107, the total number of days in the period. A week would be defined as a seven-day period running from Monday through Sunday. The daily amount would be multiplied times 7 to establish an allocation for each of 14 full weeks. For the period November 15 through November 19, the daily amount would be multiplied by 5 and for the February 26 through February 29 period, the daily amount would be multiplied by 4. This establishes a weekly allocation of 11,610,121 kg. for each of the 14 full weeks, an allocation of 8,292,248 kg. for the November 15–18, 1995, period, and 6,634,358 kg. for the February 26–29, 1996, period.

For the period November 15, 1995, through February 29, 1996, the tariff on tomatoes imported form Mexico within the weekly quotas would be 2.6 cents per kilogram. The tariff on any amounts which exceed the weekly quotas would be 3.2 cents per kilogram.

USTR is particularly interested in comments from the public which address the following points:

(a) To what extent do surges in imports of Mexican tomatoes disrupt, or threaten to disrupt, the U.S. market for fresh tomatoes?

(b) Would a weekly allocation of the current seasonal TRQ's be an effective mechanism for moderating any disruption that might otherwise occur?

(c) If the seasonal TRQ is to be sub-divided into weekly TRQ's, how should it be equitably allocated among the weeks?

(d) Are there alternative mechanisms available to cushion the impact of surges in imports of Mexican tomatoes that could be more effective, but still consistent with U.S. obligations under NAFTA?

Written Comments

Comments on the above Advance Notice of Proposed Rulemaking are invited. Written comments should be directed to Leonard W. Condon, Deputy Assistant United States Trade Representative for Agricultural Affairs, Office of the United States Trade Representative, Washington, DC, 20508. Comments, with two copies, should be received by March 13, 1996.

Michael Kantor,

United States Trade Representative.

[FR Doc. 95–30501 Filed 12–13–95; 8:45 am]

BILLING CODE 3190–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Ethics Training for Registrants

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: On July 22, 1994, the Commodity Futures Trading Commission (Commission) proposed amendments to Rule 3.34, which governs ethics training for Commission registrants. The Commission has published a release announcing the adoption of those rule amendments in the Federal Register on December 13, 1995. The Commission also is proposing to amend Rule 3.34 to require that persons who seek to provide ethics training must present satisfactory evidence that they meet a proficiency testing requirement established by a registered futures association and possess a minimum of three years of relevant experience. The Commission is also proposing to amend Rule 3.34 to eliminate the provision permitting state-accredited entities to provide ethics training without being subject to the requirements pertaining to other providers under the rule.

DATES: Comments must be received by January 16, 1996.

ADDRESSES: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581 and should refer to ''Ethics Training for Registrants.''

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel or Myra R. Silberstein, Attorney-Advisor, Division of Trading and Markets, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone (202) 418–5450.

SUPPLEMENTARY INFORMATION:

I. Background

Section 210 of the Futures Trading Practices Act of 1992 added a new paragraph (b) to Section 4p of the Commodity Exchange Act (Act) to mandate ethics training for persons required to be registered under the Act.[1] On April 6, 1993, the Commission adopted Rule 3.34 to implement this Congressional mandate.[2] In September, 1993, the Commission issued a Federal Register release to clarify the procedures to be followed by persons

[1] This provision of the Act is codified at 7 U.S.C. 6p(b) (1994) and states that:

The Commission shall issue regulations to require new registrants, within 6 months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered futures association, or other self-regulatory organization, or any other applicable Federal or state law, rule or regulation.

[2] 58 FR 19575, 19584–19587, 19593–19594 (Apr. 15, 1993).

seeking to provide ethics training pursuant to Rule 3.34.[3]

Rule 3.34 requires natural persons registered under the Act to attend ethics training to ensure that they understand their responsibilities to the public under the Act. The required training must address the requirements of the Act and all rules concerning the treatment and handling of customer orders and business. Issues to be addressed may include: honesty, fairness and the interests of customers and the integrity of the markets; effective supervisory systems and controls; assessment of financial situations and the investment experience of customers; disclosure of material information; and avoidance of conflicts of interest. New registrants must attend ethics training within six months of being granted registration and every three years thereafter. The initial training must be at least four hours in duration; subsequent training must be of at least one hour in duration. Persons registered when Rule 3.34 became effective on April 26, 1993 were granted until April 26, 1996 to attend an initial training session, of at least two hours in duration, and must thereafter attend a one-hour session every three years. Ethics trainers must maintain records of materials used in such training and of attendees at such training.

In July 1994, the Commission proposed amendments to Rule 3.34 to improve the operation of its ethics training program and furnish additional guidance with respect to the activities of ethics training providers.[4] The Commission has published a release announcing the adoption of those amendments published in the Federal Register on December 13, 1995. The amendments adopted will, among other things, require a person seeking to provide ethics training to certify that he is not subject to a statutory disqualification from registration under the Act,[5] barred from service on self-regulatory organization (SRO) governing boards or committees,[6] or subject to a pending proceeding concerning possible violations of the Act or rules or orders promulgated thereunder.

II. Proposed Amendments

A. Proficiency Testing and Minimum Experience Requirements

The Commission is now proposing further amendments to Rule 3.34 to require any person seeking to provide ethics training to furnish satisfactory evidence to a registered futures association that he has met the proficiency testing requirement[7] established by a registered futures association[8] pursuant to Section 17(p)(1) of the Act for the registration of commodity professionals[9] and possesses three years of relevant experience. Currently, the National Commodity Futures Examination (Series 3 Exam) is the proficiency test required to be completed by most commodity professionals.[10]

In commenting on the amendments proposed in July, 1994, NFA suggested that a proficiency testing requirement be incorporated in Rule 3.34 to require ethics training providers to satisfy an objective standard designed to reflect a minimum level of knowledge of the futures industry and the relevant statutory and regulatory structure. NFA and another commenter also recommended that to ensure that an ethics training provider possesses a working knowledge of the futures industry and is capable of teaching relevant rules and regulations, ethics training providers should be required to have at least three years of industry or teaching experience.

The Commission agrees that requiring persons who seek to provide ethics training to provide proof of satisfactory completion of a proficiency testing requirement applicable to registrants and of possession of three years of relevant industry or pedagogical experience provides an objective, readily administered measure for determining knowledge of relevant matters and should not be unduly burdensome. The Commission believes that it would be inconsistent with the Congressional mandate for ethics training and contrary to the public interest for a person to teach others about their responsibilities under applicable laws and rules if such a person is not able to demonstrate at least the same minimum acceptable level of proficiency as is required of those he intends to educate. Further, such requirements would be consistent with the approach followed by the Commission to date in evaluating applications from potential offerors of ethics training. In proposing Rule 3.34, the Commission noted its belief that ''pedagogical expertise and knowledge of futures are factors that should be taken into consideration in evaluating potential offerors of ethics training.''[11] Consequently, in reviewing applications filed under Rule 3.34 for authorization to provide ethics training, the Commission has endeavored to assure that such providers demonstrate pedagogical experience and knowledge of the futures markets. Should these proposed amendments be adopted, the Commission anticipates that NFA will promulgate rules establishing specific proficiency standards for ethics training providers.

The Commission believes that the proposed requirement of three years of relevant experience may be satisfied not only by pedagogical or teaching experience but, also, by relevant industry experience. For example, such industry experience might be acquired by the practice of law in the fields of futures or securities or employment as a trader or risk manager at a brokerage or end-user firm. The Commission welcomes comments as to the types of experience that should be deemed sufficient for this purpose.

The Series 3 Exam is the only relevant proficiency test currently available for ethics training providers, since it is the proficiency test that is generally applicable to Commission registrants and is designed to assure a broad working knowledge of the futures industry. Successful completion of the Series 3 Exam is required of all natural persons seeking to be registered as a commodity pool operator (CPO), commodity trading advisor (CTA), futures commission merchant, introducing broker, leverage transaction merchant or an associated person (AP)

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[3] 58 FR 47890 (Sept. 13, 1993).

[4] 59 FR 37446 (July 22, 1994).

[5] 7 U.S.C. 12a (2) and (3)(1994). The Act specifies several grounds for disqualification from registration including, among others, a prior revocation of registration, felony conviction, and an injunction relating to futures or securities activities.

[6] No person may serve on SRO governing boards or committees who, among other things, has been found within the prior three years to have committed a ''disciplinary offense'' or entered into a settlement agreement with respect to a charge involving a ''disciplinary offense,'' is currently suspended from trading on any contract market, is suspended or expelled from membership in any SRO, or is currently subject to an agreement with the Commission or an SRO not to apply for registration or membership. A ''disciplinary offense'' for these purposes means any violation of the Act or the rules promulgated thereunder or SRO rules other than those relating to: (1) decorum or attire; (2) financial requirements; or (3) reporting or recordkeeping, unless resulting in fines aggregating more than $5,000 in a calendar year, provided such SRO rule violations did not involve fraud, deceit or conversion, or result in a suspension or expulsion. 17 CFR 1.63 (1995).

[7] 7 U.S.C. 6p(a)(1994).

[8] Presently, the National Futures Association (NFA) is the only registered futures association.

[9] Section 17(p)(1) of the Act, 7 U.S.C. 21(p)(1)(1994), provides, in part, that a registered futures association must establish training standards and proficiency testing for persons involved in the solicitation of transactions subject to the Act, supervisors of such persons, and all persons for whom it has registration responsibilities.

[10] *See* NFA Registration Rule 401.

[11] 58 FR 19575, 19586. However, initially the Commission elected not to establish specific requirements with respect to these matters in Rule 3.34.

of any of the foregoing.[12] The Commission recently approved an alternative proficiency testing requirement under which general securities representatives whose commodity interest activity will be limited to managed accounts or commodity pool interests may take the Futures Managed Funds Examination (Series 31 Exam) in lieu of the Series 3 Exam. The Commission believes that even if an ethics training provider wishes to instruct only CPOs, CTAs and their APs, the more comprehensive based Series 3 Exam is the appropriate proficiency test.

B. Applicability of Certification, Proficiency Testing and Experience Requirements

Currently, Rule 3.34 requires that any provider of ethics training other than an SRO offering ethics training to its members or employees or an entity accredited to conduct continuing education programs by a state professional licensing authority in the fields of law, finance, accounting or economics must be approved by the Commission for this purpose. A comment letter addressing the amendments to Rule 3.34 published in the Federal Register on December 13, 1995, suggested that SROs and state-accredited entities should no longer be exempted from the general requirement under Rule 3.34 that entities seeking to provide ethics training submit an application to the Commission summarizing their ethics training program, as all ethics training providers should be subject to equivalent standards. The Commission believes that the business purposes and functions of SROs, the statutory and regulatory requirements applicable to SROs, and the Commission's oversight program for assuring compliance by SROs with their responsibilities under the Act and Commission rules provide sufficient assurance of the expertise and fitness of SROs as ethics training providers without the necessity for imposing additional requirements. Consequently, the Commission's proposals with respect to proficiency training and pedagogical or industry experience do not apply to SROs seeking to provide ethics training to their members or employees. The Commission invites commenters to address the continued appropriateness of this approach for SROs in light of the proposed modifications of the requirements with respect to other types of ethics training providers.

The Commission has determined, however, to propose that state-accredited entities be required to file with the NFA the certification required under Rule 3.34(b)(3)(iii) and to comply with the other relevant provisions of Rule 3.34, including proficiency testing and experience requirements. In the absence of such compliance and in light of the potential for significant variations among state-accreditation regimes, the Commission would have no ready means of assuring that such providers have a minimum level of relevant knowledge or experience.

The Commission is proposing that the proficiency testing and minimum experience requirements apply to the provider or sponsor of the ethics training program, to any instructors or presenters employed by the provider of such ethics training, and to those persons who prepare ethics training videotapes or electronic presentations. Existing providers, instructors and preparers operating pursuant to specific Commission authorization or otherwise in compliance with Rule 3.34 as currently in effect would not be subject to these requirements. However, if an entity whose application to provide ethics training has previously been granted by the Commission seeks to add a new instructor or course preparer, such person would be subject to the proficiency testing and minimum relevant experience standards.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–611 (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The rule amendments proposed herein will not affect SROs who wish to provide ethics training but would affect all others who seek to be included on a list of authorized ethics training providers, including entities accredited to conduct continuing education programs by state professional licensing authorities in the fields of law, finance, accounting or economics. The impact of this proposal on persons seeking to become providers of ethics training should be minimal. At this time, a one-time processing fee for the Series 3 Exam offered by the NFA is seventy-five dollars. This should not constitute an unduly burdensome entry cost for ethics training providers; the same cost is incurred by all the attendees at ethics training as a cost of registration. Requiring a minimum level of experience also should not adversely impact small businesses as this requirement does not impose additional financial cost upon such entities.

Therefore, on behalf of the Commission, the Chairman hereby certifies, pursuant to 5 U.S.C. 605(b), that the rule amendments proposed herein will not have a significant economic impact on a substantial number of small entities. The Commission nonetheless invites comments from any persons or entities who believe that these proposed rule amendments will have a significant impact on their operations.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission has previously submitted the proposed rule and its associated information collection requirements to the Office of Management and Budget. While the amendments proposed herein have no burden, Rule 3.34 is a part of a group of rules which has the following burden: Rules 3.16, 3.32 and 3.34 (3038–0023, approved June 2, 1993):

Average Burden Hours Per Response—1.13

Number of Respondents—60,980

Frequency of Response—On Occasion and Triennially

Persons wishing to comment on the information which will be required by these rules as amended should contact Jeff Hill, Office of Management and Budget, Room 3228, NEOB, Washington, D.C. 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 1155 21st St. N.W., Washington, D.C. 20581, (202) 418–5170.

List of Subjects in 17 CFR Part 3

Registration, Ethics Training.

Accordingly, the Commission, pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 1a, 4d, 4e, 4g, 4m, 4p, 8a and 17 thereof (7 U.S.C. 1a, 6d, 6e, 6g, 6m, 6p, 12a and 21 (1994), hereby proposes to amend Part 3 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

[12] *See also* the 400 Series of the NFA Registration Rules, which sets forth the proficiency requirements for industry professionals and the alternatives to and exemptions from the Series 3 Exam requirements. Currently, floor traders and floor brokers are not required to pass the Series 3 Exam in order to become registered. Most floor traders and floor brokers receive orientation and ethics training from their respective exchanges.

PART 3—REGISTRATION

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

Authority: 7 U.S.C. la, 2, 4, 4a, 6, 6b, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6o, 6p, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21 and 23; 5 U.S.C. 552, 552b.

§ 3.34 [Amended]

2. Section 3.34 as amended by a final rule published on December 13, 1995, is proposed to be amended by removing and reserving paragraph (b)(3)(ii) and revising the introductory text of paragraph (b)(3)(iii) to read as follows:

§ 3.34 Mandatory ethics training for registrants.

* * * * *

(b) * * *

(3) * * *

(ii) [Reserved]

(iii) A person included on a list maintained by a registered futures association who has presented satisfactory evidence to the registered futures association that he has taken and passed the proficiency testing requirements established by a registered futures association for an ethics training provider, possesses a minimum of three years of relevant experience, and who certifies that:

* * * * *

Issued in Washington, D.C. on December 7, 1995, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95–30359 Filed 12–13–95; 8:45 am]

BILLING CODE 6351–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK6–1–6587; FRL–5345–7]

State Implementation Plan: Alaska; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal.

SUMMARY: Due to an adverse comment, EPA is withdrawing the effective date for the approval of a moderate nonattainment area state implementation plan revision for Anchorage, Alaska, submitted by the Alaska Department of Environmental Conservation for the purpose of implementing an oxygenated gasoline program in the Municipality of Anchorage. The original action was published in the Federal Register on October 24, 1995, as a direct final rule. 60 FR 54435. As stated in the Federal Register notice, if adverse or critical comments were received by November 24, 1995, the effective date would be delayed and timely notice would be published in the Federal Register. Therefore, due to receiving an adverse comment within the comment period, EPA is withdrawing the final rule and will address the comments received in a subsequent final rule based on the proposed rule also published on October 24, 1995. 60 FR 54465. EPA will not institute a second comment period on this document.

DATES: This withdrawal notice is effective December 14, 1995.

FOR FURTHER INFORMATION CONTACT: Montel Livingston, Office of Air (AT–082), EPA, Region 10, 1200 6th Avenue, Seattle, WA 98101, (206–553–0180).

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the October 24, 1995 Federal Register, and in the short informational notice located in the proposed rule section of the October 24, 1995 Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, and Volatile organic compounds.

Dated: December 7, 1995.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95–30509 Filed 12–13–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Parts 215, 219, 236, 242, 252, and 253

[DFARS Case 95–D039]

Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business Concerns

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Department of Defense has suspended the sections of the Defense Acquisition Regulation Supplement (DFARS) that prescribe the set-aside of acquisitions for small disadvantaged businesses (SDBs). The Department of Defense is proposing to amend the DFARS to implement initiatives designed to limit the adverse impact of the suspension. This proposal is an initial response to the suspension. The efforts of a government-wide group to reform affirmative action programs continue. It is expected that further proposals will be published for comment in the near future. This action was reviewed by the Office of Management and Budget under Executive Order 12866.

DATES: Comment Date: Comments on the proposed rule should be submitted in writing to the address below on or before February 12, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D039 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends the Defense Federal Acquisition Regulation Supplement (DFARS) to implement initiatives designed to facilitate awards to SDBs while taking account of the Supreme Court's decision in *Adarand Constructors, Inc.* vs. *Pena,* 63 U.S.L.W. 4523 (U.S. June 12, 1995).

B. Regulatory Flexibility Act

This proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address specified herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Regulatory Flexibility Act. Such comments must be submitted separately and cite DFARS Case 95–D039 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104–13) applies because the proposed rule contains a reporting and recordkeeping requirement. The necessary request for approval of the information collection requirement has been submitted to the Office of

Management and Budget under Section 3507(d) of the Act.

1. Title for the collection of information, applicable forms, applicable OMB controls number, and type of request.

Approval of the information collection requirement in DFARS 252.219–7003(g) has been requested as a new clearance, ''Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts).''

2. Summary of information collection.

DFARS 219.704(a)(4) with its corresponding clause coverage at 252.219–7003(g) adds a notification requirement for contractors that have identified small, small disadvantaged or women-owned small businesses in subcontracting plans. Firms are to notify the administrative contracting officer of any substitutions of firms that are not small, small disadvantaged, or women-owned small businesses for the firms listed in the subcontracting plan. Notifications shall be in writing and shall occur within a reasonable period of time after award of the subcontract. Contractor specified formats shall be acceptable.

3. Needs and Uses.

Information is collected on an occasional basis as the need arises to keep the administrative contracting officer apprised of a contractor's compliance with approved subcontracting plans. Under the current procedure, the prime contractor proposes, and the contracting officer negotiates, an approved subcontracting plan. Consistent with 10 U.S.C. 2323, these subcontracting plans are evaluated as part of source selection. Under DFARS 215.605, criteria for proposal evaluation may include the extent to which small or small disadvantaged businesses are specifically identified in proposals (expected to be expanded to include women-owned small businesses in a separate DFARS case). Under the proposed rule, when an evaluation includes this criteria, the small, small disadvantaged, or women-owned small businesses considered in the evaluation shall be listed in any subcontracting plan submitted pursuant to FAR 52.219–9. The current procedures do not explicitly provide a vehicle to determine if those small, small disadvantaged or women-owned small business firms which have been identified as subcontractors are actually awarded subcontracts. Small firms have repeatedly raised the issue that prime contractors do not follow through on subcontracting plans as proposed and evaluated. Notification is required for DoD to assess compliance with approved subcontracting plans. Under the proposed rule at DFARS 242.1503, past performance evaluations for previously awarded contracts should consider any notifications under the proposed DFARS 252.219–7003(g).

4. Frequency. On Occasion.

5. Estimate of total annual reporting and recordkeeping burden.

Number or respondents: 41.

Annual responses: 41.

Annual burden hours: 41.

We estimate that 30 percent (1,650) of the total estimated number of subcontracting plans (5,500) include specific names of small businesses, small disadvantaged businesses, and women-owned small businesses. We estimate that substitution occurs in 10 percent (165) of those plans. Since subcontracting plans typically address several years of contract effort, we estimate that 25 percent (41) of the substitutions will occur on an annual basis.

6. Comments. Written comments to OMB, citing DFARS Case 95–D039, are invited. Particular comments are solicited on:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

b. The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of the collection of information on respondents.

List of Subjects in 48 CFR Parts 215, 219, 236, 242, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 215, 219, 236, 242, 252, and 253 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 215, 219, 236, 242, 252 and 253 continues to read as follows:

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

PART 215—CONTRACTING BY NEGOTIATION

2. Section 215.605 is amended by revising paragraph (b)(ii)(E) and by adding paragraph (b)(iv) to read as follows:

215.605 Evaluation factors.

(b) * * *

(ii) * * *

(E) When not otherwise required by 215.608(a)(2), prior performance of the offerors in complying with requirements of the clause at FAR 52.219–8, Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns, and 52.219–9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan; and

* * * * *

(iv) When an evaluation includes the criterion at (b)(ii)(A), the small, small disadvantaged, or women-owned small businesses considered in the evaluation shall be listed in any subcontracting plan submitted pursuant to FAR 52.219–9 to facilitate compliance with 252.219–7003(g).

* * * * *

3. Section 215.608 is amended by redesignating existing paragraph (a) as paragraph (a)(1) and by adding paragraph (a)(2) to read as follows:

215.608 Proposal evaluation.

(a) * * *

(2) When a past performance evaluation is required by FAR 15.605 and the solicitation includes the clause at FAR 52.219–8, Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns, the evaluation shall include the past performance of offerors in complying with requirements of that clause. When a past performance evaluation is required by FAR 15.605, and the solicitation includes the clause at 52.219–9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan, the evaluation shall include the past performance of offerors in complying with requirements of that clause.

* * * * *

PART 219—SMALL BUSINESS PROGRAMS

4. The heading of Part 219 is revised to read as set forth above.

5. Section 219.704 is amended by adding paragraph (a)(4) to read as follows:

219.704 Subcontracting plan requirements.

(a) * * *

(4) In those subcontracting plans which specifically identify small, small disadvantaged, and women-owned small businesses, prime contractors shall notify the administrative contracting officer of any substitutions of firms that are not small, small

disadvantaged, or women-owned small businesses for the firms listed in the subcontracting plan. Notifications shall be in writing and shall occur within a reasonable period of time after award of the subcontract. Contractor specified formats shall be acceptable.

6. Section 219.1006 is amended by revising paragraph (b)(1)(B) to read as follows:

219.1006 Procedures.

(b) * * *

(1) * * *

(B) The evaluation preference at 219.70 shall not be used. However, note the test program at 219.72 for construction acquisitions.

* * * * *

7. Section 219.7001 is amended by revising paragraph (a) to read as follows:

219.7001 Applicability.

(a) The evaluation preference shall be used in competitive acquisitions except as provided in paragraph (b) of this section and in 219.1006(b)(1)(B).

* * * * *

8. Subpart 219.72 is added to read as follows:

219.72—Evaluation Preference for Small Disadvantaged Business (SDB) Concerns in Construction Acquisitions—Test Program

Sec.
219.7200 Policy.
219.7201 Administration of the Test Program.
219.7202 Applicability.
219.7203 Procedures.
219.7204 Contract Clause.

219.72—Evaluation Preference for Small Disadvantaged Business (SDB) Concerns in Construction Acquisitions—Test Program

219.7200 Policy.

DoD policy is to ensure that, during this test program, offers from small disadvantaged business (SDB) concerns shall be given an evaluation preference in construction acquisitions.

219.7201 Administration of the test program.

The test program will be conducted over an eighteen-month period. The test program will be conducted by all DoD contracting activities that award construction contracts. The focal point for the test program is the Director, Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense for Acquisition and Technology (Director, SADBU). Fourteen months after the initiation of this test program, the military departments and defense agencies shall submit a status report to the Director, SADBU. This report shall specify the impact of the evaluation preference over the first twelve months of the test program, and shall provide recommendations with respect to continuation and/or modification of the evaluation preference.

219.7202 Applicability.

(a) The evaluation preference shall be used in competitive acquisitions for construction (see definition in FAR subpart 36.1) when work is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia.

(b) Do not use the evaluation preference in acquisitions which—

(1) Are less than or equal to the simplified acquisition threshold;

(2) Are set aside for small businesses; or

(3) Are awarded under section 8(a) procedures.

(c) The evaluation preference need not be applied when the head of the contracting activity expects that—

(1) The contracting activity will meet its goal for SDB concerns, established pursuant to 10 U.S.C. 2323, during the current fiscal year, without this preference;

(2) The evaluation preference is having a disproportionate impact on non-SDB concerns; or

(3) The preference is otherwise not in the best interest of the Government.

219.7203 Procedures.

(a) Solicitations that require bonding shall require offerors to separately state bond costs in the offer. Bond costs include the costs of bid, performance, and payment bonds.

(b) Evaluate total offers. If the apparently successful offeror is an SDB concern, no further preference-based evaluation is required under this subpart.

(c) If the apparently successful offeror is not an SDB concern, evaluate offers excluding bond costs. If, after excluding bond costs, the apparently successful offeror is an SDB concern, add bond costs back to all offers, and give offers from SDB concerns a preference in evaluation by adding a factor of 10 percent to the total price of all offers, except—

(1) Offers from SDBs which have not waived the evaluation preference; and

(2) Offers from historically black colleges and universities or minority institutions, which have not waived the evaluation preference.

(d) When using the procedures in 36.303–70, Additive or deductive items, the evaluation preference in this subpart shall be applied.

219.7204 Contract clause.

Use the clause at 252.219–7010, Notice of Evaluation Preference for Small Disadvantaged Business Concerns—Construction Acquisitions—Test Program, in all solicitations—

(1) That involve the evaluation preference; and

(2) Where work is to be performed inside the U.S., its territories or possession, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

9. Section 236.303–70 is amended by revising the introductory text of paragraph (c)(2) to read as follows:

236.303–70 Additive or deductive items.

* * * * *

(c) * * *

(2) Evaluate all bids, including those using the procedures in 219.703, on the basis of the same additive or deductive bid items.

* * * * *

PART 242—CONTRACT ADMINISTRATION

10. Subpart 242.15 is added to read as follows:

Subpart 242.15—Contractor Performance Information

Sec.
242.1503 Procedures.

242.1503 Procedures.

Evaluations should consider any notifications submitted under paragraph (g) of the clause at 252.219–7003, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

11. Section 252.219–7003 is amended by adding paragraph (g) to read as follows:

252.219–7003 Small, small disadvantaged and women-owned small business subcontracting plan (DoD contracts).

* * * * *

(g) In those subcontracting plans which specifically identify small, small disadvantaged, and women-owned small businesses, the Contractor shall notify the Administrative Contracting Officer of any substitutions of firms that are not small, small disadvantaged, or women-owned small businesses for the firms listed in the subcontracting plan. Notifications shall be in writing and

shall occur within a reasonable period of time after award of the subcontract. Contractor specified formats shall be acceptable.

12. Section 252.219–7010 is added to read as follows:

252.219–7010 Notice of evaluation preference for small disadvantaged business concerns—construction acquisitions—Test program.

As prescribed in 219.7204, use the following clause:

Notice of Evaluation Preference for Small Disadvantaged Business Concerns—Construction Acquisitions—Test Program (Date)

(a) *Definitions.*

As used in this clause—

''Historically black colleges and universities (HBCUs),'' means institutions determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. The term also means any nonprofit research institution that was an integral part of such a college or university before November 14, 1986. ''Minority institutions,'' means institutions meeting the requirements of paragraphs (3), (4), and (5) of Section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3)). The term also includes Hispanic-serving institutions as defined in Section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).

''Small disadvantaged business (SDB) concern,'' means a small business concern, owned and controlled by individuals who are both socially and economically disadvantaged, as defined by the Small Business Administration at 13 CFR part 124, the majority of earnings of which directly accrue to such individuals. This term also means a small business concern owned and controlled by an economically disadvantaged Indian tribe or Native Hawaiian organization which meets the requirements of 13 CFR 124.112 or 13 CFR 124.113, respectively.

(b) *Evaluation preference.* (1) Offerors shall separately state bond costs in the offer. Bond costs include the costs of bid, performance, and payment bonds.

(2) Offers will be evaluated initially based on their total prices. If the apparently successful offeror is an SDB concern, no further preference based evaluation will be conducted.

(3) If the apparently successful offeror is not an SDB concern, offers will be evaluated based on their prices excluding bond costs. If, after excluding bond costs, the apparently successful offeror is an SDB concern, bond costs will be added back to all offers, and offers from SDB concerns will be given a preference in evaluation by adding a factor of ten percent to the total price of all offers, except—

(i) Offers from SDBs which have not waived the evaluation preference; or

(ii) Offers from HBCUs or minority institutions, which have not waived the evaluation preference.

(c) *Waiver of evaluation preference.* A small disadvantaged business, historically black college or university, or minority institution offeror may elect to waive the preference. The agreements in paragraph (d) of this clause do not apply to offers which waive the preference.

_____Offeror elects to waive the preference.

(d) *Agreements.* A small disadvantaged business concern, historically black college or university, or minority institution offeror, which did not waive the preference, agrees that in performance of the contract, in the case of a contract for—

(i) General construction, at least 15 percent of the cost of the contract, excluding the cost of materials, will be performed by employees of the concern.

(ii) Construction by special trade contractors, at least 25 percent of the cost of the contract, excluding the cost of materials, will be performed by employees of the concern.

(End of clause)

PART 253—FORMS

13. Section 253.204–70 is amended by revising paragraph (e)(3) to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

* * * * *

(e) * * *

(3) *Block E3, Next Low Offer.*

(i) Complete Block E3 only if Block E2 is completed, or the evaluation preference for small disadvantaged business concerns in construction acquisitions set forth at 219.72 is applied. Otherwise, leave Block E3 blank.

(ii) If Block E2 is completed, enter the offered price from the small business firm that would have been the low offeror if qualified nonprofit agencies employing people who are blind or severely disabled had not participated in the acquisition. If the evaluation preference for small disadvantaged business concerns in construction acquisitions set forth at 219.72 is applied, enter the offered price from the non-SDB concern that would have been the successful offeror if the evaluation preference had not been applied. Enter the amount in whole dollars.

* * * * *

[FR Doc. 95–50469 Filed 12–13–95; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Part 242

[DFARS Case 91–085D]

Defense Federal Acquisition Regulation Supplement; Personal Services Compensation

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Defense has decided to withdraw a proposed rule published on December 6, 1994 (59 FR 62704). The rule proposed revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) to establish a dollar threshold for DoD contractors for application of the Federal Acquisition Regulation (FAR) requirements for contractor compensation system reviews. After review of public comments, DoD has determined the proposed DFARS revisions are unnecessary.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062, (703) 602–0131.

Michele P. Peterson.

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95–30470 Filed 12–13–95; 8:45 am]

BILLING CODE 5000–04–M

Notices

Federal Register
Vol. 60, No. 240
Thursday, December 14, 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

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

December 4, 1995.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Officer, USDA, OIRM, Ag Box 7630, Washington, D.C. 20250–7630. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

Rural Utilities Service

- *Title:* Review Rating Summary.

Summary: RUS Form 300, Review Rating Summary, provides ratings of borrower facilities so that the Rural Utilities Service (RUS) can monitor system operations, maintenance, and planning review.

Need and Use of the Information: A periodic operations and maintenance review, using the RUS Form 300 in accordance with RUS Bulletin 161–5 is an effective means for RUS to determine whether the borrowers' systems are being properly operated and maintained, thereby protecting the loans collateral. The review is also used to rate facilities and can be used for appraisal of collateral.

Description of Respondents: Business or other for-profit.

Number of Respondents: 280.

Frequency of Responses: Reporting—Once every 3 years.

Total Burden Hours: 1,120.

Federal Crop Insurance Corporation

- *Title:* 7 CFR Parts 402, 401, 443 and 457—Catastrophic Risk Protection Plan and Related Requirements.

Summary: This submission revises collections previously cleared to now incorporate provision or policy changes relative to proposed rules at 7 CFR Parts 401, 443, and 457 announcing prevented planting coverage changes for the 1996 crop year.

Need and Use of the Information: The data is used to determine program eligibility for crop coverage and prevented planting coverage.

Description of Respondents: Farms.

Number of Respondents: 1,750,015.

Frequency of Responses: Reporting—Annually.

Total Burden Hours: 2,668,750.

Emergency processing of this submission has been requested by December 15, 1996.

Larry Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95–30427 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 95–062–1]

Availability of Environmental Assessments and Findings of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that 14 environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the release into the environment of nonindigenous biological control agents. The environmental assessments provide a basis for our conclusion that the release into the environment of the biological control agents will not present a risk of introducing plant pests into the United States or disseminating plant pests within the United States and will not have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Matthew H. Royer, Chief Operations Officer, Biological Assessment and Taxonomic Support, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236, (301) 734–8896. For copies of the environmental assessment and finding of no significant impact, write to Ms. Deborah Knott at the same address. Please refer to the title of the environmental assessment when ordering copies.

SUPPLEMENTARY INFORMATION: Under the Federal Plant Pest Act as amended (7 U.S.C. 150aa *et seq.*) and the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*) (the Acts), the U.S. Department of Agriculture (USDA) has broad authority to regulate the importation, interstate movement, and release into the environment of organisms in order to prevent the dissemination of plant pests into the United States or interstate. The Animal and Plant Health Inspection Service (APHIS) regulates plant pests under regulations promulgated pursuant to the Acts and contained in 7 CFR part 330 (referred to below as the regulations). The regulations require, among other things, that a permit be obtained for the movement of a plant pest into or through the United States or interstate. The regulations and Acts also allow the Department to include in the permit conditions to prevent the dissemination of plant pests.

Under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), APHIS typically prepares an environmental assessment before issuing a permit for the release in the United States of nonindigenous organisms.

In accordance with applicable regulations, APHIS has received applications for permits for the release into the environment of nonindigenous biological control agents. In the course of reviewing each permit application, APHIS assessed the plant pest risk posed by each organism and the impact on the environment of releasing each organism under the conditions described in the permit application. APHIS has issued permits for the release into the environment of the organisms listed below after concluding that their release in accordance with conditions on the permits will not present a risk of the introduction or dissemination of plant pests within the United States and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicant and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing the biological control agents into the environment.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits for the release into the environment of the following biological control agents:

Organism	Title of environmental assessment	Date of finding of no significant impact
Cirrospilus quadristriatus (Subba Rao and Ramamani).	''Field Release of a Nonindigenous Wasp (*Cirrospilus quadristriatus* (Subba Rao and Ramamani)) for Biological Control of Citrus Leafminer (*Phyllocnistis citrella* Stainton)'' (July 1994).	7/25/94.
Anaphes nitens (Girault)	''Field Release of the Nonindigenous Wasp, *Anaphes nitens* (Girault) (Hymenoptera: Mymaridae), for Biological Control of the Eucalyptus Snout Beetle, *Gonipterus scutellatus* Gyllenhal (Coleoptera: Curculionidae)'' (August 1994).	8/24/94.
Eretmocerus sp. M94002	''Field Release of a Nonindigenous Species M94002 (*Eretmocerus* sp. M94002) for Biological Control of Silverleaf Whitefly'' (September 1994).	9/9/94.
Encarsia inaron Walker	''Field Releases of a Nonindigenous Species (*Encarsia inaron* Walker) for Biological Control of Ash Whitefly'' (September 1994).	9/16/94.
Aphytis Species	''Field Releases of Nonindigenous *Aphytis* Species for Biological Control of Armored Scale Insects'' (September 1994).	9/16/94.
Tetranychus lintearius Dufour	''Field release of the Nonindigenous Gorse Spider Mite, *Tetranychus lintearius* Dufour (Acari: Tetranychidae), for Biological Control of Gorse, *Ulex europaeus* L. (Leguminosae)'' (October 1994).	10/25/94.
Montandaniola moraguesi Puton	''Field Release of a Nonindigenous Species, *Montandaniola moraguesi* Puton (Hemiptera: Anthocoridae) for Biological Control of Cuban laurel thrips'' (February 1995).	2/10/95.
Encarsia Species	''Field Releases of Certain *Encarsia* Species (Hymenoptera: Aphelinidae) for Biological Control of Armored Scale Insects and Whitefly'' (February 1995).	2/17/95.
Eretmocerus	''Field Releases of Nonindigenous Parasitic Wasps in the Genus *Eretmocerus* (Hymenoptera: Aphelinidae) for Biological Control of Whitefly Pests (Homoptera: Aleyrodidae)'' (April 1995).	3/4/95.
Pseudoscymnus Species	''Field Release of a Nonindigenous Lady Beetle, *Pseudoscymnus* sp. (Coleoptera: Coccinellidae), for Biological Control of Hemlock Wolly Adelgid, *Adelges tsugae* (Homoptera: Adelgidae)'' (April 1995).	3/4/95.
Wollastoniella rotunda	''Field Release of a Nonindigenous Minute Pirate Bug, *Wollastoniella rotunda* (Hemiptera: Anthocoridae) for Biological Control of Melon Thrips, *Thrips palmi* (Thysanoptera: Thripidae)'' (April 1995).	3/4/95.
Catolaccus grandis	''Field Release of a Nonindigenous Parasitic Wasp, *Catolaccus grandis* (Hymenoptera: Pteromalidae), for Biological Control of Boll Weevil'' (March 1995).	3/31/95.
Carposina bullata	''Field Release of Nonindigenous Moths, *Carposina bullata* (Lepidoptera: Carposinidae) and *Mompha trithalama* (Lepidoptera: Momphidae), for Biological Control of the Weeds *Clidemia hirta* and *Miconia calvescens* (Melastomataceae) in Hawaii'' (May 1995).	5/8/95.
Pseudacteon	''Field Release of Nonindigenous Parasitic Scuttle Flies in the genus *Pseudacteon* (Diptera: Phoridae) for Biological Control of Red Imported Fire Ant, *Solenopsis invicta*, and Black Imported Fire Ant, *S. richteri* (Hymenoptera: Formicidae)'' (May 1995).	5/16/95.

The environmental assessments and findings of no significant impact have been prepared in accordance with : (1) NEPA, (2) Regulations of the Council on Environmental Quality for Implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 8th day of December 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–30460 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–34–P

Agriculture Research Service

Government Owned Inventions Available for Licensing

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Government owned inventions available for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government as represented by the Department of Agriculture, and are available for

Licensing in accordance with 35 U.S.C. 207 and 37 CFR 404 to achieve expeditious commercialization of results of federally funded research and development. International patent applicants are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: June Blalock, Technology Licensing Coordinator, USDA, ARS, Room 415, Bldg. 005, BARC-West, Beltsville, MD 20705: Phone 301–504–5989 or Fax 301–504–5060. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: The inventions available for licensing are:

8–378, 157, Use of Rumen Contents from Slaughter Cattle for the Production Lactic Acid
8–382, 554, Process for Converting Unsaturated Fatty Acids into Estolides
8–404, 007, Monocolnal Antibodies to Hygromycin B and the Method of Making the Same.
8–404,779 Synethic Diet for Rearing the Hymenopterous Ectoparasitoid, Catolaccus grandis
8–415,835, Control of Fluids
8–416,405, Mass or Weight Determination of Arbitrarily-Shaped Dielectric Object by Microwave Resonator Measurements.
8–418,716, Non-Infectious Foot-and Mouth disease viruses
8–418,389, Calcium Formulations for Prevention of Parturient Hypocalcemia
8-432,923, Sex Attractant for the Cranberry Fruitworm
8–490,003, Bacteria and Enzymes for Production of Alternan Fragments
8–499,081, Botcinol: A Natural Product Herbicide
8–499,481, Method and Compositions for Producing Desiccation Tolerant Paecilomyces fumosoroseus Spores
8–499,592, Starch-Based Microcellular Foams
8–499,803, A Monoclonal Antibody to Vitellin of the Corn Earworm, Helicoverpa zea
8–501,526, Composition and Use of Polymerizable Oil for Leather Fatliquor
8–508,358, Avirulent Geotrichum candium for Biological Control of Postharvest Rots on Fruit
8–510,065, A continuous Process for the Production of Lactulose from Lactose Using Boric Acid as a Complexation Agent
8–518,869, Aminoglycoside Binding Proteins for Non-Immunoaffinity Binding and Diagnostic Assay Method for Detection of Aminoglycosides
8–524,668, Chicken Monoclonal Antibodies Specific for Coccidial Antigens Involved in Invasion of Host Lymphocytes
8,529,299, Films Fabricated from Mixtures of Pectin and Poly(Vinyl Alcohol)
8–533,416, Cation Exchange Resin

June Blalock,
Technical Licensing Coordinator.

[FR Doc. 95–30489 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–03–M

Agricultural Research Service

Notice of Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to American Cyanamid Company of Princeton, New Jersey, to Sandoz Agro, Inc. of Palo Alto, California, and to biosys, inc. of Columbia, Maryland, co-exclusive licenses to U.S. Patent No. 5,124,149 issued June 23, 1992, ''Compositions and Methods for Biocontrol Using Fluorescent Brighteners.'' Notice of Availability was published in the Federal Register on January 31, 1991.

DATES: Comments must be received by no later than February 12, 1996.

ADDRESS: Send comments to: USDA, ARS, Office of Technology Transfer, Room 415, Building 005, BARC-West, Baltimore Boulevard, Beltsville, Maryland 20705–2350.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as American Cyanamid Company, Sandoz Agro, Inc., and biosys, inc. have submitted complete and sufficient applications for a license. The prospective co-exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive licenses may be granted unless, within sixty days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the licenses would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

R.M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 95–30490 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–03–M

Forest Service

Southwest Washington Provincial Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Washington Provincial Advisory Committee will meet on January 16, 1996, in Vancouver, Washington, at the Mark 205 Inn, on 221 NE Chkalov Drive. The meeting will begin at 9 a.m. and continue until 4:30 p.m. Meeting purpose is to utilize the Province Health Matrix, to advise on watershed restoration project priorities for the Cowlitz, Lewis, Wind River, and White Salmon Basins. Agenda items to be covered include: (1) Scientific Review and proposed Forest priorities for watershed restoration; (2) Subcommittee progress with Social/Economic Health Measures and Monitoring program; (3) Update on Cispus Adaptive Management Area; and (4) Public Open Forum.

All Southwest Washington Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The ''open forum'' provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The ''open forum'' is scheduled as part of agenda item (1) for this meeting. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Mark Maggiora, Public Affairs, at (360) 750–5007, or write Forest Headquarters Office, Gifford Pinchot National Forest, 6926 E. Fourth Plain Blvd., PO Box 8944, Vancouver, WA 98668–8944.

Dated: December 8, 1995.

Richard C. Stem,
Advisory Committee Staff Officer.

[FR Doc. 95–30464 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–11–M

National Agricultural Statistics Service

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request an extension for and revision to a currently approved information collection, the Egg, Chicken, and Turkey Surveys.

DATES: Comments on this notice must be received by February 12, 1996 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Egg, Chicken, and Turkey Surveys.

OMB Number: 0535–0004.

Expiration Date of Approval: April 30, 1996.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production. The Egg, Chicken, and Turkey Program obtains basic poultry statistics from voluntary cooperators throughout the Nation. The data are used to prepare and issue current State and national estimates. Statistics are published on placement of pullet chicks for hatchery supply flocks, hatching reports for broiler-type, egg-type, and turkey eggs, number of layers on hand, total table egg production, non-federally inspected poultry slaughter, and production, disposition, and income estimates for eggs, chickens, and turkeys. Non-federally inspected poultry slaughter data are obtained from State Department of Agriculture.

The statistical information is used by producers, processors, feed dealers, and others in the marketing and supply channels as a basis for production and marketing decisions. Government agencies use these estimates to evaluate poultry product supplies. The information is an important consideration in government purchases for the school lunch program and in formulation of export-import policy.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 minutes per response.

Respondents: Farms.

Estimated Number of Respondents: 7,100.

Estimated Total Annual Burden on Respondents: 4,145 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 14th and Independence Avenue SW., Room 4162 South Building, Washington, DC 20250–2000.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, DC, December 7, 1995.

Donald M. Bay,

Administrator, National Agricultural Statistics Service.

[FR Doc. 95–30419 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–02–M

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request an extension for and revision to a currently approved information collection, the Milk and Milk Products Surveys.

DATES: Comments on this notice must be received by February 12, 1996 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Milk and Milk Products Surveys.

OMB Number: 0535–0020.

Expiration Date of Approval: April 30, 1996.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production. The Milk and Milk Products Surveys obtain basic agricultural statistics on milk production and manufactured dairy products from farmers and processing plants throughout the Nation. Data are gathered for milk production, dairy products, evaporated and condensed milk, manufactured dry milk, and manufactured whey products. Milk production and manufactured dairy products statistics are used by the U.S. Department of Agriculture to help administer programs and by the dairy industry in planning, pricing, and projecting supplies of milk and milk products.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7 minutes per response.

Respondents: Farms and businesses.

Estimated Number of Respondents: 159,000.

Estimated Total Annual Burden on Respondents: 18,500 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 14th and Independence Avenue SW., Room 4162 South Building, Washington, DC 20250–2000.

All responses to this notice will be summarized and included in the request for OMB approval.

All comments will also become a matter of public record.

Signed at Washington, DC., December 7, 1995.

Donald M. Bay,

Administrator, National Agricultural Statistics Service.

[FR Doc. 95–30420 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–20–M

Rural Utilities Service

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Rural Utilities Service's (RUS) intentions to request an extension for and revision to a currently approved information collection.

DATES: Comments on this notice must be received by February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Dawn D. Wolfgang, Management Analyst, Program Support Staff, Rural Utilities Service, U.S. Department of Agriculture, 14th & Independence Avenue, SW., AG Box 1522, Washington, DC 20250–1522, Telephone: (202) 720–0812. FAX: (202) 720–4120.

SUPPLEMENTARY INFORMATION:

Title: Seismic Safety of New Building Construction.

OMB Control Number: 0572–0099.

Expiration Date: February 28, 1996.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*) was enacted to reduce risks to life and property through the establishment and maintenance of the National Earthquake Hazards Reduction Program (NEHRP). The Federal Emergency Management Agency (FEMA) is designated as the agency with the primary responsibility to plan and coordinate the NEHRP. This program includes the development and implementation of feasible design and construction methods to make structures earthquake resistant. Executive Order 12699 of January 5, 1990, Seismic Safety of Federal and Federally Assisted or Regulated New Building Contraction, requires that measures to assure seismic safety be imposed on federally assisted new building construction.

Title 7 Part 1792, Subpart C, Seismic Safety of Federally Assisted New Building Construction, identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by RUS or the Rural Telephone Bank (RTB) or through lien accommodations or subordinations approved by RUS or RTB. This subpart implements and explains the provisions of the loan contract utilized by the RUS for both electric and telecommunications borrowers and by the RTB for its telecommunications borrowers requiring construction certifications affirming compliance with the standards.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.5 hours per response.

Respondents: Small business or organizations.

Estimated Number of Respondents: 100

Estimated Number of Responses per Respondent: 2

Estimated Total Annual Burden on Respondents: 300

Copies of this information collection, and related form and instructions, can be obtained from Dawn Wolfgang, Program Support Staff, at (202) 720–0812.

Comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments may be sent to: F. Lamont Heppe, Jr., Deputy Director, Program Support Staff, Rural Utilities Service, U.S. Department of Agriculture, 14th & Independence Ave., SW., AG Box 1522, Washington, DC 20250–1522. FAX: (202) 720–4120.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: December 7, 1995.

Wally Beyer,

Administrator, Rural Utilities Service.

[FR Doc. 95–30488 Filed 12–13–95; 8:45 am]

BILLING CODE 3410–15–P

ASSASSINATION RECORDS REVIEW BOARD

Privacy Act Systems of Records

AGENCY: Assassination Record Review Board.

ACTION: Notice of systems of records.

SUMMARY: The Assassination Records Review Board (Review Board) proposes to establish an inventory of fifteen systems of records that are subject to the Privacy Act of 1974. In this notice, the Review Board provides the required information on these fifteen systems of records.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, General Counsel, Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530, (202) 724–0088.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30 day period in which to comment on any new routine use of a system of records. The Office of Management and Budget, which has oversight responsibilities under the Act, requires a 40 day period in which to conclude its review of the new systems. Therefore, please submit any comments by January 16, 1996. The public, OMB, and the Congress are invited to send written comments to T. Jeremy Gunn, General Counsel, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

In accordance with 5 U.S.C. 552a(r), the Review Board has provided a report to OMB and the Congress on the proposed systems of records.

Elsewhere in today's Federal Register is a regulation exempting certain

systems of records from certain requirements of the Privacy Act.

Procedures for all Systems of Records

Notification Procedure:

Requests by an individual to determine if any Assassination Records Review Board system of records contains information about him or her should be directed to the Privacy Act Officer at the Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530. Requesters will be required to provide their complete name and a certification indicating that they are the person they claim to be, to the Privacy Act Officer. To ensure that the Review Board does not make a wrongful disclosure, the Privacy Act Officer may, at any time, require additional information verifying the identity of the requester. Section 1415.15 of the Review Board's Rules Implementing the Privacy Act, printed elsewhere in today's Federal Register, establishes procedures for systems of records notification.

Record Access Procedure

The record access procedure is the same as the notification procedure, except that an individual must present to the Privacy Act Officer an official photo identification, such as a driver's license, *passport,* or Government identification, before viewing records. Sections 1415.20 and 1415.25 of the Review Board's Rules Implementing the Privacy Act, printed elsewhere in today's Federal Register, establishes procedures for accessing Privacy Act records.

Contesting Record Procedure

An individual may request amendment of those records covered by the Privacy Act that are not accurate, relevant, timely, or complete. Section 1415.35 of the Review Board's Rules Implementing the Privacy Act, printed elsewhere in today's Federal Register, establishes procedures for requesting amendment of Privacy Act records.

Routine Uses for all Systems of Records

Routine Use for Disclosure to the Department of Justice for Use in Litigation

To the Department of Justice when: (a) The Review Board, or (b) any employee of the Review Board in his or her official capacity where the Department of Justice has agreed to represent the employee, or (c) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the Review Board determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the Review Board to be for a purpose that is compatible with the purpose for which the Review Board collected the records.

Routine Use for Other Disclosures in Litigation

To a court or adjudicative body in a proceeding when: (a) The Review Board, or (b) any employee of the Review Board in his or her official capacity, or (c) any employee of the Review Board in his or her individual capacity where the Review Board has agreed to represent the employee, or (d) the United States Government, is a party to litigation or has an interest in litigation, and by careful review, the Review Board determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the Review Board to be for a purpose that is compatible with the purpose for which the Review Board collected the records.

Routine Use for Law Enforcement Purposes

When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, state, local, or tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity.

Routine Use for Disclosure to a Member of Congress at the Request of a Constituent

To a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

Routine Use for Disclosure to NARA

Records from systems of records may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

Routine Use for Disclosure to Contractors Under Section (m)

To Review Board contractors, grantees, experts, consultants, or volunteers who the Review Board engages to assist in the performance of a service related to a particular system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

Routine Use for Disclosure to HHS Parent Locator System for Finding Parents Who Do Not Pay Child Support

The name and current address of record of an individual may be disclosed from certain systems of records to the parent locator service of the Department of HHS or authorized persons defined by Pub. L. 93–647. 42 U.S.C. 653.

Routine Use for Use in Employment, Clearances, Licensing, Contract, Grant, or Other Benefits Decisions by the Review Board

Disclosure may be made to Federal, state, local, or foreign agency maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

Routine Use in Employment, Clearances, Licensing, Contract, Grant, or Other Benefit Decisions by Other Than the Review Board

Disclosure may be made to a Federal, state, local, foreign, or tribal or other public authority that certain systems of records contain information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil,

administrative, personnel, or regulatory action.

SYSTEMS OF RECORDS
ARRB–1

SYSTEM NAME:

Address Book on Notes (ARRB–1).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Assassination Records Review Board members and staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains electronic mail addresses of Assassination Records Review Board members and staff.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.8.

PURPOSE:

The purpose of this system is to list the electronic mail addresses of Review Board members and staff to facilitate communication among agency employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database.

RETRIEVABILITY:

By name of Assassination Records Review Board member or staff.

SAFEGUARDS:

This system of records is located on a computer system within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where this particular system of records is stored. Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

David Marwell, Executive Director, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Review Board Members and Staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–2

SYSTEM NAME:

Agency Contacts (ARRB–2).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Staff members of various Federal Government agencies with whom the Assassination Records Review Board has had contact.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information regarding Review Board contacts with employees of other Federal agencies. Information maintained on individuals in this database may include: Individual's name, organization, title, official duties, business address, business phone number, business electronic mail address, and business fax number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7 (i) and (j)

PURPOSE:

The purpose of this system is to track Review Board contacts with current employees of other Federal agencies who are acting in their official capacities. In most cases, Review Board staff members contact other Federal agencies in search of assassination records other agencies may have. Review Board staff members also contact employees of other Federal agencies with questions about administration of the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database.

RETRIEVABILITY:

Full text indexed on computer. Can search by any text.

SAFEGUARDS:

This system of records is located on a computer system within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where this particular system of records is stored.

Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

David Marwell, Executive Director, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Review Board members and staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Yes. Some portions of this system of records are eligible for exemption under 5 U.S.C. 552a(k)(2).

ARRB–3

SYSTEM NAME:

Correspondence (ARRB–3).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Any individual who corresponds with the Assassination Records Review Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of the letters that individuals send to the Review Board, and letters that the Review Board sends to individuals. The records may include names, addresses, telephone numbers, and any other information individuals provide to the Review Board in correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7 (i) and (j)

PURPOSE:

The purpose of this system is to keep track of the Review Board's correspondence with individuals who correspond with the Review Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of individual who corresponds with Review Board.

SAFEGUARDS:

This system of records is located in a file cabinet within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level.

RETENTION AND DISPOSAL:

Review Board will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Thomas Samoluk, Associate Director for Communication, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Individual who writes to the Review Board, and Review Board staff members who respond to correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–4

SYSTEM NAME:

Employment Applications (ARRB–4).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals who apply to the Assassination Records Review Board for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, cover letters, references, correspondence to and from applicants. Individual information may include name, address, telephone numbers, educational history, work history, and any other information the applicant provides.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.8

PURPOSE:

The purpose of this system is to maintain a file of the applications for employment received by the Review Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed at the beginning of this Notice, the Review Board may contact references provided by the applicant for the purpose of verifying information in the application and in the interview.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of applicant.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992).

SYSTEM MANAGER(S) AND ADDRESS:

Tracy Shycoff, Associate Director for Administration, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Information in this system of records is derived, to the greatest extent possible, from the applicants themselves. In addition, applicants provide the Review Board with references and Review Board staff may obtain information from references for the file. Administrative staff and staff with personnel authority may place response letters and interview notes in the files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Yes. Some portions of this system of records are eligible for exemption under 5 U.S.C. 552a(k)(5).

ARRB–5

SYSTEM NAME:

Freedom of Information Act Requests (ARRB–5).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals who file Freedom of Information Act requests with the Assassination Records Review Board members and staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requester letters, agency response letters and enclosures, requester information (name, address, telephone number, fax number), information regarding processing of request (expenses incurred, dates requests are received, and dates requests are due.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 44 U.S.C. 2107.11(b)

PURPOSE:

The purpose of this system is to keep a record of requests that the Review Board has received pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Review Board's responses to those requests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database and paper files.

RETRIEVABILITY:

By name of FOIA requester.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Laura Denk, Designated FOIA Officer, Assassination Records Review Board, 600 E Street NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Individual requester, Executive Director of Review Board, Review Board's Designated FOIA Officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–6

SYSTEM NAME:

Investigations into Location of Assassination Records (ARRB–6).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW, 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals who research events surrounding the assassination, members of the public, prior Federal employees who worked on Congressional committees or Presidential commissions that investigated the assassination, former Federal Government employees who were possible subjects of

assassination investigations, and individuals who were cooperative witnesses in prior assassination investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on individuals under investigation may include: Name, address, date and place of birth, social security number, last known home address, individual's connection to the assassination of President Kennedy, names of relatives and/or acquaintances, work history, and educational history. Other records in the system include: Correspondence, call reports, interview reports, investigative notes, requests to Financial Crimes Enforcement Network for information and responses, requests to National Personnel Records Centers for information and responses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7(j)

PURPOSE:

The purpose of this system is to investigate where assassination records may be located. This purpose is accomplished by contacting members of the public, prior Federal employees who worked on committees and commissions that investigated the assassination or who were possible subjects of assassination investigations, individuals who acted as witnesses in prior assassination investigations, and individuals who research events or topics relevant to the assassination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer databases and paper files.

RETRIEVABILITY:

Computer database: Full text is indexed on computer. Can search by any text. Paper files: By subject of investigation.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where parts of this particular system of records are stored. Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

David Montague, Investigator, Assassination Records Review Board, 600 E Street NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Individuals who provide information in response to investigative telephone calls, correspondence, and interviews. Review Board members and staff. Financial Crimes Enforcement Network printouts. National Personnel Records Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Yes. Some portions of this system of records are eligible for exemption from 5 U.S.C. 552a(k)(2).

ARRB–7

SYSTEM NAME:

Mailing List (ARRB–7).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW, 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Names and mailing addresses of individuals who have either asked to receive public mailings or who have written to the Review Board inquiring about general information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual names and addresses of individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7(j)

PURPOSE:

The purpose of this system is to have a central list of names and addresses of individuals who have asked the Review Board to place their names and addresses on the Review Board's mailing list. These individuals receive all press releases and notices that the Review Board prints in the Federal Register.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database.

RETRIEVABILITY:

By name of person on the mailing list.

SAFEGUARDS:

This system of records is located on a computer system within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where this particular system of records is stored.

Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGERS AND ADDRESS:

Thomas Samoluk, Associate Director for Communication, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Individuals who write the Review Board and request that they be placed on the mailing lists. Review Board staff members.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–8

SYSTEM NAME:

Personal Security Files (ARRB–8).

SECURITY CLASSIFICATION:

Top Secret.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Current, former, and pending Assassination Records Review Board staff who have applied for security clearances.

CATEGORIES OF RECORDS IN THE SYSTEM:

All information the individual supplied for his or her security investigation, including names, current and former addresses, social security number, work history, educational history, names of relatives and acquaintances and references. Results of background investigation. Some staff members were previously employees of other Government agencies and background information in their files may include information from SF–85 forms they completed for a previous job. Fingerprint cards. Letters of adjudication. Privacy Act waivers signed by staff. Records of the individual's security education. Records of any security infractions by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7(c), 2107.8, 5 U.S.C. 732, and Executive Order 10450.

PURPOSE:

The purpose of this system is for the Review Board's security officer to have enough information about Review Board staff members to adjudicate whether staff members are eligible for national security positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed at the beginning of this notice, the Review Board's Security Officer and Deputy Security Officer disclose information from this system of records to security officers at the Department of Justice who aid the Review Board in making determinations about eligibility for security clearances.

The Review Board may disclose a staff member's name and security clearance level to another Federal agency when a member of the staff needs to review another agency's classified material under the JFK Act.

Certain assassination records are classified at the Special Compartmented Information (SCI) level and some Review Board staff members will require SCI clearances to review these types of records. Because the Review Board does not have authority to grant such clearances, the Review Board may disclose the results of a staff member's background investigation to the Central Intelligence Agency (CIA) so that the CIA can adjudicate the staff member's request for a SCI clearance.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of Assassination Records Review Board staff member.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Within the Review Board's offices, records are stored in a GSA approved safe in a controlled access area.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992).

SYSTEM MANAGER(S) AND ADDRESS:

David Marwell, Executive Director and Security Officer, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Information in this system of records is derived, to the greatest extent possible, from the applicants themselves. In addition, applicants provide the Review Board with names of individuals, organizations, and geographical locations. The background investigator obtains information from such references for the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Yes. Some portions of this system of records are eligible for exemption from 5 U.S.C. 552a (k)(1) and (k)(5).

ARRB–9

SYSTEM NAME:

Personnel Files (ARRB–9).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Assassination Records Review Board members, current staff, former staff, and pending staff with active offers of employment from the Review Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The General Services Administration (GSA) keeps the Official Personnel Files (OPF) of Review Board members and staff. The Review Board keeps copies of documents that are in the OPF at GSA, including copies of SF–171 forms (listing individual's name, address, telephone numbers, availability, salary requirements, military service, special skills, accomplishments, awards, names of references, work history, educational background, social security number, names of family members who work for the Government, whether individual has ever been convicted of a felony). In addition, the Review Board keeps staff resumés (which include much of the same information provided in the SF–171), names of references, interview notes, benefits information, employee evaluations, letters to applicants extending offers of employment, and personnel actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.8

PURPOSE:

The purpose of this system is to allow the Review Board to keep effective hiring decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of Assassination Records Review Board member or staff.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Records are stored in locked file cabinets in a controlled access area.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992).

SYSTEM MANAGER(S) AND ADDRESS:

Tracy Shycoff, Associate Director for Administration, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

To the greatest extent possible, records in this system are derived from information that the individual provides to the Review Board. Other sources of information include individual's supervisor, persons who act as references for individual, and administrative staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–10

SYSTEM NAME:

Public Contacts (ARRB–10).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Members of the general public with whom the Assassination Records Review Board has established contact. Members of the public who worked on Presidential commissions or Congressional committees that investigated the assassination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, organization, title, address, telephone, fax number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7(j)

PURPOSE:

The purpose of this system is to track Review Board contacts with individuals who are not current employees of other Federal agencies acting in their official capacities. (Contacts with current Federal employees who are acting in their official capacities will appear in the Agency Contacts system of records.) In most cases, Review Board staff members contact such individuals in search of assassination records or information about assassination records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database.

RETRIEVABILITY:

By name of the subject individual.

SAFEGUARDS:

This system of records is located on a computer system within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where this

particular system of records is stored. Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Thomas Samoluk, Associate Director for Communication, Assassination Records Review Board, 600 E Street NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Review Board staff members.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Yes. Some portions of this system of records are eligible for exemption under 5 U.S.C. 552a(k)(2).

ARRB–11

SYSTEM NAME:

Record Identification Form Databases (ARRB–11).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW., 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals listed on record identification forms.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record Identification Forms list, in relevant part, the names of individuals who are mentioned in the particular Government record that is the subject of the Record Identification Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.9 and 2107.7 (i) and (j)

PURPOSE:

The JFK Act requires that each assassination record be accompanied by an electronic identification aid. The National Archives designed the form for these record identification forms, and the Review Board uses these forms regularly in keeping track of assassination records that have been, are being, or need to be processed. The forms have two sections that often contain the names of individuals—the ''to/from'' section that identifies the author and the addressee of the assassination record and the ''subjects'' section that identifies the subject matter of the document. Generally, the name is the only personal information that appears on the form, so the effects on the privacy of individuals is minimal. The JFK Act, 44 U.S.C. 2107.9 and 2107.7 (i) and (j), provides authority for maintenance of this system. The documents in this system are generated, in large part, by other Federal agencies and each document in the system refers to a record that originated in another Federal agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database.

RETRIEVABILITY:

Full text indexed on computer. Can search by any text.

SAFEGUARDS:

This system of records is located on a computer system within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where this particular system of records is stored. Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

David Marwell, Executive Director, Assassination Records Review Board, 600 E Street NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

The JFK Act requires that all agencies with assassination records process those records under the JFK Act and create a ''record identification form'' that identifies the record. The agency sends its electronic version of the record identification forms to the Review Board. The information in the record identification forms originates with the agency that created the form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–12

SYSTEM NAME:

Research and Analysis Research Aids (ARRB–12).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW, 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals relevant to the assassination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, information connection the individual to events surrounding the assassination of President Kennedy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7 (i) and (j)

PURPOSE:

The Review Board staff is divided into several units, one of which is the Research and Analysis unit. Analysts in this unit, together with the Associate Director of Research and Analysis, develop research aids to assist in identifying individuals and events connected to the assassination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer document.

RETRIEVABILITY:

Documents are on word processor. Can search documents for any text.

SAFEGUARDS:

This system of records is located on a computer system within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Only Review Board members and staff have access to Review Board computers where this particular system of records is stored. Each individual who accesses Review Board computers has two passwords that he or she defines and must use each time he or she logs into a Review Board computer.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

T. Jeremy Gunn, Associate Director for Research and Analysis, Assassination Records Review Board, 600 E Street NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Review Board members and staff, secondary source material concerning the assassination, including articles, books, computer databases, and unclassified Government documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

AARB–13

SYSTEM NAME:

Subject File (ARRB–13).

SECURITY CLASSIFICATION:

Top Secret.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW, 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals who are relevant to the assassination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, titles, organizations, current and/or former business and/or home addresses, current and/or former business and/or home telephone numbers, current and/or former business and/or home fax numbers, work history, educational history, and connection to events surrounding the assassination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.7 (i) and (j)

PURPOSE:

In order to locate as many assassination records as possible, staff members on the Review Board must have a full understanding of events connected to the assassination. The Research and Analysis unit of the Review Board staff maintains this system of records to hold information on a variety of assassination-related subjects, such as ''Oswald in Mexico City,'' ''Zapruder Film,'' and ''Jack Ruby.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All routine uses for this system of records are located at the beginning of this notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of subject. Subject may be an individual.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

T. Jeremy Gunn, Associate Director for Research and Analysis, Assassination Records Review Board,

600 E Street NW, 2nd Floor, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Secondary source materials, including articles, books, computer databases, and unclassified Government records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Yes. Some portions of this system of records are eligible for exemption under 5 U.S.C. 552a (k)(1) and (k)(2).

ARRB–14

SYSTEM NAME:

Time and Attendance Files (ARRB–14).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW, 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Current and former Assassination Records Review Board members and staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, social security number, and time and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.8

PURPOSE:

The purpose of this system of records is to keep track of Review Board staff members' time and attendance at work in order to administer payroll, annual leave, and sick leave policies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed at the beginning of this Notice, the Associate Director for Administration routinely discloses information from this system to the General Services Administration.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of Assassination Records Review Board member or staff.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Records are stored in a locked file cabinet in a controlled access area.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. 2107 (1992).

SYSTEM MANAGER(S) AND ADDRESS:

Tracy Shycoff, Associate Director for Administration, Assassination Records Review Board, 600 E Street NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

The Associate Director for Administration fills in the forms in the system based on leave request forms that individual staff members complete.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

ARRB–15

SYSTEM NAME:

Travel and Reimbursement Files (ARRB–15).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Assassination Records Review Board, 600 E Street NW, 2nd Floor, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Assassination Records Review Board members, staff, and invited speakers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, telephone numbers, fax numbers, social security numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2107.8

PURPOSE:

The purpose of this system of records is to keep track of Review Board members', contractors', and staff members' travel plans, expenses, and reimbursements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the routine uses listed at the beginning of this notice, the Associate Director for Administration and the Assistant Associate Director for Administration routinely use this system of records to arrange and track business travel for Review Board members and staff. In addition, the Associate Director for Administration and the Assistant Associate Director for Administration use the system of records to track expenses of Review Board members and staff and to reimburse Review Board members and staff for expenses. The Review Board discloses information from this system of records to travel agents and travel vendors. In addition, the Review Board discloses information from this system of records to the General Services Administration.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name of individual traveler or individual who requires reimbursement.

SAFEGUARDS:

This system of records is located within the headquarters offices of the Assassination Records Review Board. The offices are located in a secure Federal building, with Department of Justice guards at all entrances. Within the building, the offices are always locked. Review Board members and staff have encoded cards that allow entry into the offices. Visitors must be accompanied at all times by a Review Board member or staff member. All Review Board members and staff have received security clearances at the top secret level. Records are stored in a locked file cabinet in a controlled access area.

RETENTION AND DISPOSAL:

Review Board records will be retained pursuant to the provisions of *The President John F. Kennedy Assassination Records Collection Act of 1992,* 44 U.S.C. 2107 (1992). Congress has determined that all Review Board records are permanently valuable and will be retained for inclusion in the JFK Collection at the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Tracy Shycoff, Associate Director for Administration, Assassination Records Review Board, 600 E Street NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

The notification procedure for all systems of records is detailed at the beginning of this Notice.

RECORD ACCESS PROCEDURES:

The record access procedures for all systems of records is detailed at the beginning of this Notice.

CONTESTING RECORD PROCEDURES:

The contesting record procedures for all systems of records is detailed at the beginning of this Notice.

RECORD SOURCE CATEGORIES:

Review Board members and staff. Travel agents. Travel vendors. General Services Administration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemptions.

Dated: December 8, 1995.

David G. Marwell,

Executive Director, Assassination Records Review Board.

[FR Doc. 95–30383 Filed 12–13–95; 8:45 am]

BILLING CODE 6118–01–P

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: National Employers Survey II.

Form Number(s): None. Automated survey instrument.

Agency Approval Number: 0607–0787.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Burden: 600 hours.

Number of Respondents: 3,000

Avg Hours Per Response: 12 minutes.

Needs and Uses: The Bureau of the Census plans to conduct a follow–up to the National Employers Survey (NES) (originally titled the National Training Survey) which was conducted in the Fall of 1994. The NES provided a baseline of information about how employment, training, and hiring practices affect and promote a skilled and proficient workforce. Results were enthusiastically welcomed and accepted by government, business, and academia as filling a need for information on employment, training, and hiring practices and policies. The NES II is a short follow–up survey directed to the original NES respondents to clarify, confirm, and amplify the results of the original survey, as well as address some points raised by those results. Employers will use the results of the NES, augmented with this follow–up information, to formulate employment practices and policies. Government will use the results in legislative and policy–making decisions.

Affected Public: Businesses or other for–profit organizations.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: December 8, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–30412 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1996 Annual Demographic Survey – Supplement to the Current Population Survey.

Form Number(s): CPS–580, –580(SP), –676, –676(SP).

Agency Approval Number: 0607–0354.

Type of Request: Extension of a currently approved collection.

Burden: 23,442 hours.

Number of Respondents: 58,000.

Avg Hours Per Response: 24½ minutes.

Needs and Uses: The Bureau of the Census conducts the Annual Demographic Survey (ADS) every year in March as a supplement to the Current Population Survey (CPS). In the ADS, we collect information in the areas of work experience, migration, personal income and noncash benefits, household noncash benefits, and race. The Bureau of Labor Statistics and the Department of Health and Human Services co–sponsor the supplement along with the Census Bureau and use data gathered in the ADS to determine the official Government poverty statistics. The questions for the 1996 supplement will be the same as those asked in 1995 with some new items and some changes to existing items.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: December 8, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–30413 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–07–F

Bureau of the Census

Title: Study of Public Attitudes Toward Administrative Records Use

AGENCY: Bureau of the Census, Commerce.

ACTION: Proposed Agency Information Collection Activity; Comment Request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and response burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before February 12, 1996.

ADDRESSES: Direct all written comments to Gerald Taché, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W. Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) should be directed to Randall Neugebauer, Bureau of the Census, Room 3587–3, Washington, D.C. 20233–7100, (301) 457–3952.

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of this survey is to study the public's attitudes regarding: 1) the Census Bureau's planned use of administrative records in the 2000 census and 2) a proposal to collect social security numbers for each household member in the decennial census. In the design for the 2000 census, the Census Bureau plans to expand the use of administrative records to estimate characteristics of nonresponding households, supplement missing data for respondents that return incomplete forms, and estimate the number of persons missed within households. Collection of social security numbers would assist efforts to accurately match administrative records information. This research, in conjunction with results from an earlier survey, will enable the Census Bureau to assess the public's attitudes.

I. Method of Collection

Telephone interviews will be conducted using an automated survey instrument and a random digit dialing sampling design.

III. Data

OMB Number: Not available.

Form Numbers: The automated survey instrument will not have a form number.

Type of Review: Regular submission.

Affected Public: Individuals and households.

Estimated Number of Respondents: 1,200.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 300.

Estimated Total Annual Cost: $91,900.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection technique or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 11, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–30504 Filed 12–13–95; 8:45 a.m.]

BILLING CODE 3510–07–P

Address System Information Survey 1996 (ASIS 96); Proposed Agency Information Collection Activity; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2) (A)).

DATES: Written comments must be submitted on or before February 12, 1996.

ADDRESSES: Direct all written comments to Gerald Taché, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instruction should be directed to Dr. Joel Morrison, Chief, Geography Division, Bureau of the Census, Washington, DC 20233, telephone (301) 457–1132, or e-mail to ''joel.morrison@census.gov.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau, in preparing a Master Address File (MAF) for the 2000 Decennial Census and on-going census surveys, is collecting data on the prevalence of non-city style addresses and whether governments are establishing or planning to establish city-style addresses by 1998. The Census Bureau will use this information to make decisions about 2000 decennial census enumeration and processing methodologies. Information from the survey also will accelerate their city style addressing in conjunction with the US Postal Service. The information for this survey will come from county personnel in the non-New England states and Minor Civil Division personnel in the New England states. The regional office geographers will conduct the survey by telephone from the regional offices. This is done under authority of Title 13, United States Code, Section 141 and 193.

II. Method of Collection

The data will be collected via telephone interviews.

III. Data

OMB Number: 0607–0772.

Form Number: Form DC–20a.

Type of Review: Regular.

Affected Public: Functioning county governments in non-New England states and functioning New England states' Minor Civil Divisions that were not completely city-style addressed as of September 1993.

Estimated Number of Respondents: 2150.

Estimated Time Per Response: 5 minutes per response.

Estimated Total Annual Burden Hours: 180 hours.

Estimated Total Annual Cost: $5, 040.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 7, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–30414 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–07–P

[Docket No. 951205287–5287–01]

Transportation Annual Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination.

SUMMARY: In accordance with Title 13, United States Code, Sections 182, 224, and 225, I have determined that 1995 data on operating revenue and expenses are needed for the for-hire trucking and public warehousing industries to provide a sound statistical basis for the formation of policy by various governmental agencies, and that these data also apply to a variety of public and business needs. These data are not publicly available from nongovernment or other governmental sources.

FOR FURTHER INFORMATION CONTACT: Thomas E. Zabelsky, Chief, Current Services Branch, Services Division, on (301) 457–2766.

SUPPLEMENTARY INFORMATION: The Census Bureau is authorized to conduct surveys necessary to furnish current data on subjects covered by the major censuses authorized by Title 13, United States Code. This survey will provide continuing and timely national statistical data on trucking and warehousing services for the period between economic censuses. The next economic census is in 1997. The data collected in this survey will be within the general scope and nature of those inquiries covered in the economic censuses.

The Bureau of the Census needs reports only from a limited sample of trucking and warehousing firms in the United States. The probability of a firm's selection is based on revenue size (estimated from payroll). The sample will provide, with measurable reliability, national level statistics on operating revenue and expenses for these industries. We will mail report forms to the firms covered by this survey and require their submission within thirty days after receipt.

This survey has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0607–0798 in accordance with the Paperwork Reduction Act, Public Law 96–511, as amended. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

Based upon the foregoing, I have directed that the Transportation Annual Survey be conducted for the purpose of collecting these data.

Dated: December 27, 1995.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 95–30418 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–07–P

Foreign-Trade Zones Board

Order No. 783

Grant of Authority; Establishment of a Foreign-Trade Zone; St. Clair County, Michigan (Port Huron Customs Port of Entry)

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

WHEREAS, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

WHEREAS, the Port Huron-St. Clair County Industrial Development Corporation, a Michigan non-profit corporation, (the Grantee), has made application to the Board (FTZ Docket 31–94, 59 FR 53633, 10/25/94), requesting the establishment of a foreign-trade zone in St. Clair County, Michigan, within the Port Huron Customs port of entry; and,

WHEREAS, notice inviting public comment has been given in the Federal Register and the Board has found that the requirements of the Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 210, at the sites described in the application, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 28th day of November 1995.

Foreign-Trade Zones Board.

Ronald H. Brown,

Secretary of Commerce, Chairman and Executive Officer.

ATTEST:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–30508 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Oklahoma State University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such

purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 95–063. *Applicant:* Oklahoma State University, Stillwater, OK 74078. *Instrument:* Mass Spectrometer, Model VG Isochrom-EA. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* See notice at 60 FR 40824, August 10, 1995. *Reasons:* The foreign instrument provides continuous flow isotopic analysis with helium carrier gas and an in-line elemental analyzer. *Advice Received From:* National Institutes of Health, October 23, 1995.

Docket Number: 95–067. *Applicant:* The Salk Institute for Biological Studies, La Jolla, CA 92037. *Instrument:* DIP-2000 Imaging Plate X-ray Diffraction Image Processor with Kappa-goniometer and SRA M18XHF Rotating Anode X-ray Generator. *Manufacturer:* MAC Science Co., Ltd., Japan. *Intended Use:* See notice at 60 FR 48505, September 19, 1995. *Reasons:* The foreign instrument provides sensitivity of 1 x-ray photon/per level and a dynamic range of 10^6. *Advice Received From:* National Institutes of Health, October 23, 1995.

Docket Number: 95–070. *Applicant:* Rutgers, The State University, Piscataway, NJ 08855-6999. *Instrument:* Cryogenic Cooling System. *Manufacturer:* Oxford Cryosystems, United Kingdom. *Intended Use:* See notice at 60 FR 49505, September 19, 1995. *Reasons:* The foreign instrument provides: (1) a nitrogen storage vessel operating at atmospheric pressure, (2) a sample stage with flexible configuration and (3) cold head temperature stability of ±2°C. *Advice Received From:* National Institutes of Health, October 25, 1995.

Docket Number: 95–071. *Applicant:* Colorado State University, Fort Collins, CO 80523. *Instrument:* Mass Spectrometer, Model OPTIMA. *Manufacturer:* VG–Fisons, United Kingdom. *Intended Use:* See notice at 60 FR 48506, September 19, 1995. *Reasons:* The foreign instrument provides: (1) a high sensitivity ion source yielding low H_3^+ ion production during H/D analysis, (2) a dual inlet, GC, isotope ratio mass spectrometer capable of C,N,H,O and S stable isotope analysis, and (3) data acquisition and integration of the thermal conductivity signal from the elemental analyzer. *Advice Received From:* National Institutes of Health, October 25, 1995.

Docket Number: 95–074. *Applicant:* University of South Florida, St. Petersburg, FL 33701. *Instrument:* Fluorimeter, Model Aquatraka MKIII. *Manufacturer:* Chelsea Instruments Ltd., United Kingdom. *Intended Use:* See notice at 60 FR 48506, September 19, 1995. *Reasons:* The foreign instrument provides: (1) an immersion capability to depths > 500m, (2) coverage of the spectrum from 220nm to 950nm without resetting and (3) a titanium casing which eliminates electrolytic current interference. *Advice Received From:* National Institutes of Health, October 25, 1995.

Docket Number: 95–075. *Applicant:* Georgetown University, Washington, DC 20057. *Instrument:* Time-Correlated Single Photon Counting Spectrometer, Model FL900. *Manufacturer:* Edinburgh Instruments, Ltd., United Kingdom. *Intended Use:* See notice at 60 FR 48506, September 19, 1995. *Reasons:* The foreign instrument provides: (1) time correlated single photon counting method, (2) a sub-ns optical pulse and (3) a 300 mm monochromator for study of fluorescence kinetics. *Advice Received From:* National Institutes of Health, October 25, 1995.

Docket Number: 95–076. *Applicant:* University of Michigan, Ann Arbor, MI 48109-1065. *Instrument:* Stopped-flow Spectrometer System, Model SF-61AFX. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* See notice at 60 FR 48506, September 19, 1995. *Reasons:* The foreign instrument provides: (1) a sealed waterbath and silica manifold to permit anaerobic analysis, (2) low temperature operation to < 0°C, and (3) a high throughput monochromator with a low stray light rejection system. *Advice Received From:* National Institutes of Health, October 25, 1995.

Docket Number: 95–079. *Applicant:* University of California, San Francisco, CA 94143-0446. *Instrument:* Tandem Mass Spectrometer, Model AUTOSPEC - 5000. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* See notice at 60 FR 48506, September 19, 1995. *Reasons:* The foreign instrument provides an ion optical system that provides high energy collision–induced spectra of laser pulse generated maldi pseudo molecular ions with a 100% duty cycle. *Advice Received From:* National Institutes of Health, October 25, 1995.

The National Institutes of Health advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–30507 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–DS–F

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95–113. *Applicant:* Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. *Instrument:* Xenon Flash Lamp. *Manufacturer:* Hi-Tech Ltd., United Kingdom. *Intended Use:* The instrument will be used for liberation of photolabile compounds to study the biological responses to rapid concentration changes of such compounds. In addition, the instrument will be used in the training of medical students, pre-medical students, graduate students and post-doctoral fellows rotating through the laboratory where the instrument will be used. *Application Accepted by Commissioner of Customs:* October 31, 1995.

Docket Number: 95–114. *Applicant:* Research Triangle Institute, 3040 Cornwallis Road, Research Triangle Park, NC 27709. *Instrument:* (2) ICP Mass Spectrometers, Model PlasmaQuad 2. *Manufacturer:* Fisons Instruments, Inc., United Kingdom. *Intended Use:* The instrument will be used to analyze environmental, biological, and geological materials and aqueous samples to determine elements ranging from highly toxic heavy metals to radioactive elements including uranium and plutonium. The experiments will include: ultratrace element measurements, isotopic analysis, industrial emissions analysis, metal speciation, and biomedical

studies. *Application Accepted by Commissioner of Customs:* November 1, 1995.

Docket Number: 95–115. *Applicant:* University of Vermont, Plant & Soil Science Department, Hills Building, Burlington, VT 05405-0082. *Instrument:* Ammonia Emission Measurement Equipment. *Manufacturer:* Swedish Institute of Agricultural Engineering, Sweden. *Intended Use:* The instrument will be used for studies of livestock manure, compost, and other nutrient materials that emit ammonia to determine which method and materials minimize loss of ammonia, thereby increasing the nutrient value for grass hay and other crops. *Application Accepted by Commissioner of Customs:* November 1, 1995.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 95–30506 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–DS–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase of a Guaranteed Access Level for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

December 7, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: December 8, 1995.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of 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).

On the request of the Government of Jamaica, the Government of the United States has agreed to increase the current guaranteed access level (GAL) for Categories 352/652.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 59 FR 62717, published on December 6, 1994.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 7, 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 November 29, 1994, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Jamaica and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on December 8, 1995, you are directed to increase the guaranteed access level for Categories 352/652 to 13,300,000 dozen.

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).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–30411 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–DR–F

Increase of a Guaranteed Access Level for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

December 8, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: December 11, 1995.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of 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).

On the request of the Government of the Dominican Republic, the Government of the United States has agreed to increase the current guaranteed access level (GAL) for Categories 338/638.

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 17321, published on April 5, 1995.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 8, 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 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective December 11, 1995, you are directed to increase the guaranteed access level for Categories 338/638 to 1,750,000 dozen.

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).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–30437 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory

Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Thursday, 14 December 1995.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Warner Kramer, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), to the Director Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development program which the military proposes to initiate with industry, universities or in the laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II§ 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1988)), and that accordingly, this meeting will be closed to the public.

Dated: December 11, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–30487 Filed 12–13–95; 8:45 am]

BILLING CODE 5000–04–M

Defense Partnership Council Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense (DoD) announces a meeting of the Defense Partnership Council. Notice of this meeting is required under the Federal Advisory Committee Act. This meeting is open to the public. The topics to be covered are partnership successes within DoD and action items related to the Defense Partnership Council Plan of Action.

DATE: The meeting is to be held Wednesday, January 17, 1996, in room 1E801, Conference Room 4, the Pentagon, from 1:00 p.m. until 3:00 p.m. Comments should be received by January 12, 1996, in order to be considered at the January 17 meeting.

ADDRESSES: We invite interested persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Mr. Kenneth Oprisko at the address shown below. Seating is limited and available on a first-come, first-served basis Individuals wishing to attend who do not possess an appropriate Pentagon building pass should call the below listed telephone number to obtain instructions for entry into the Pentagon. Handicapped individuals wishing to attend should also call the below listed telephone number to obtain appropriate accommodations.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Oprisko, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Blvd., Suite B–200, Arlington, VA 22209–5144, (703) 696–6301, ext. 704.

Dated: December 11, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–30486 Filed 12–13–95; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).
Date of Meeting: 19 December 1995.
Time of Meeting: 0900–1700.
Place: Pentagon—Washington, DC.
Agenda: The Army Science Board (ASB) C4I Issue Group will meet to hear selected briefings relative to the study on ''A Strategy for Leveraging Commercial Technologies for Future Army Radios.'' This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please call Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–30483 Filed 12–13–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).
Date of Meeting: 12 & 13 December 1995.
Time of Meeting: 0900–1700, 12 & 13 December 1995.
Place: Pentagon—Washington, DC.
Agenda: The Army Science Board (ASB) C4I Ad Hoc Study Group will meet to hear selected briefings relative to the study on ''Army Digitization Information Systems Vulnerabilities and Security.'' These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–30484 Filed 12–13–85; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–77–000]

Pacific Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

December 8, 1995.

Take notice that on December 4, 1995, Pacific Gas Transmission Company (PGT) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A: Eleventh Revised Sheet No. 4, Third Revised Sheet No. 4A, Eleventh Revised Sheet No. 5, and First Revised Sheet No. 5A, to become effective January 4, 1996. The proposed changes would have no effect on revenues from jurisdictional service.

PGT asserts that the purpose of this filing is to adjust PGT's rates for service on its Medford Extension to reflect the as-built length of the line, as opposed to the length as certificated in the Commission's Order of January 12, 1995. PGT is also clarifying the calculation of rates on its Statement of Rates and Charges.

PGT states that a copy of this filing has been served upon all jurisdictional customers and upon interest state regulatory agencies.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888

First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. Pursuant to Section 154.210 of the Commission's regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–30429 Filed 12–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–76–000]

Colorado Interstate Gas Company; Notice of Tariff Filing

December 8, 1995.

Take notice that on December 4, 1995, Colorado Interstate Gas Company (CIG), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, to be effective January 1, 1996.

Third Revised Sheet No. 284

Original Sheet No. 284A
Original Sheet No. 284B
Original Sheet No. 284C

First Revised Sheet No. 285

First Revised Sheet No. 286

First Revised Sheet No. 287

First Revised Sheet No. 289

CIG proposes this revision to clarify the allocation of capacity to firm Shippers using Secondary Capacity. Specifically, CIG proposes a non-bump policy in connection with Secondary Capacity. A firm Shipper with quantities allocated through Secondary Capacity shall retain its capacity allocation (subject to certain conditions) until the end of a capacity constraint or the end of the month (whichever occurs first). CIG also proposes that the capacity allocation for a Secondary Point Shipper that fails to tender quantities equal to its capacity allocation during a capacity constraint for two consecutive days will drop to the Shipper's average tenders to CIG at the pertinent location during the two day period.

Any person desiring to be heard or to make any protest with reference to said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations. Pursuant to Section 154.210 of the Commission's regulations, all such motions or protests must be filed not later than 12 days after the date of the filing noted above. 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 proceedings. Any person wishing to become a party to must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–30430 Filed 12–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–161–006 and RP94–162–005 (Not Consolidated)]

U–T Offshore System, High Island Offshore System; Notice of Compliance Filing

December 8, 1995.

Take notice that on November 17, 1995, in accordance with the Commission's September 18, 1995 letter orders approving settlement, U–T Offshore System (U–T) and High Island Offshore System (HIOS) tendered for filing certain revised tariff sheets that reflect the approved, prospective settlement rates and the conversion of their tariffs from a volumetric to an thermal based tariff. U–T and HIOS state that the tariff sheets are to become effective December 1, 1995.

U–T and HIOS state that copies of the filings have been served on all parties.

Any person desiring to protest said filings should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Section 385.211 of the Commission's Rules of Practice and Procedure. All such protest must be filed no later than December 14, 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 these proceedings. Copies of these filings are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–30431 Filed 12–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–96–014 and RP94–213–011 (Consolidated)]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

December 8, 1995.

Take notice that on December 1, 1995, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, and its FERC Gas Tariff, First Revised Volume No. 2A, various tariff sheets. CNG requests an effective date of July 1, 1994, for certain of these sheets, and a January 1, 1996 effective date for the remainder.

CNG states that the purpose of its filing is to implement, effective as of January 1, 1996, the rates set forth in Appendix B of the June 28, 1995, Stipulation and Agreement filed in the captioned proceedings. CNG further states that the documentation and workpapers in support of the proposed rate reduction have been provided to the Commission, at Appendix B of the June 28 Stipulation. In anticipation of a Commission order approving the June 28 Stipulation with one minor modification, CNG also states that it has also filed certain of the tariff sheets that are included as Appendix G to the June 28 Stipulation.

CNG states that copies of this letter of transmittal and enclosures are being mailed to parties to the captioned proceeding and to CNG's customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's regulations, all such protests must be filed not later than 12 days after the date of the filing noted above. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–30432 Filed 12–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–97–000]

Eastern Shore Natural Gas Company; Notice of Application

December 8, 1995.

Take notice that on December 5, 1995, Eastern Shore Natural Gas Company (Eastern Shore), Post Office Box 615, Dover, Delaware 19903–0615, filed an application pursuant to Sections 7(b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Eastern Shore to (1) provide additional firm contract demand sales and storage service to several of its existing customers, (2) abandon firm sales service to one of its existing customers, and (3) construct and operate certain new pipeline and compressor facilities required to stabilize capacity on its system and to provide the additional firm sales and storage service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Eastern Shore requests authority to (1) construct and operate a 2,170 HP compressor station in Delaware City, new Castle County, Delaware on its portion of its existing pipeline system known as the ''Hockessin Line'', such new station to be know as the ''Delaware City Compressor Station''; (2) construct and operate .89 miles of 16-inch pipeline in Delaware City, New Castle County, Delaware to tie the suction side of the proposed Delaware City Compressor Station into the Hockessin Line: and (3) increase the maximum allowable operating pressure (MAOP) from 500 PSIG to 590 PSIG on 28.7 miles of Eastern Shore's pipeline from Eastern Shore's existing Bridgeville Compressor Station in Bridgeville, Sussex County, Delaware to its terminus in Salisbury, Wicomico County, Maryland.

Eastern Shore states that the proposed compressor facility and associated piping are needed to stabilize capacity on its system as a result of steadily declining inlet pressures at its Hockessin interconnect with Transcontinental Gas Pipeline Corporation. Construction of the proposed facilities is planned to be undertaken during the 1996 Summer and Fall seasons and completed by a proposed in service date of November 1, 1996.

Eastern Shore further states that the proposed facilities will also enable it to provide additional firm sales and storage service to several of its customers who have executed precedent agreements for the additional firm service for terms of 10 and 20 years. Eastern Shore also requests authorization to abandon 100 Mcf per day of firm sales service to one of its direct sales customers, Playtex Apparel, Inc., effective September 30, 1996.

Eastern Shore estimates the total cost of the additional pipeline and compressor facilities proposed in its application to be $6,788,334. Eastern Shore states that it will finance this amount initially from internally generated funds and short-term notes and that permanent financing will be arranged after construction has been completed.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act 18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to be become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in, and subject to jurisdiction conferred upon the Federal energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedures, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Eastern Shore to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–30433 Filed 12–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST96–171–000 et al.]

Northern Natural Gas Company; Notice of Self-Implementing Transactions

December 8, 1995.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and Section 7 of the NGA and Section 5 of the Outer Continental Shelf Lands Act.[1]

Pursuant to the Final Rule in Docket No. RM95–4–000, issued on September 28, 1995, the initial report filing requirement under Part 284 of the Commission's Regulations terminates effective November 9, 1995. Because of the change in the filing requirements, this report will be the last Update List of ST Dockets issued by the Commission.

The Final Rule also terminates the Part 284 filing requirement for all pipelines to file subsequent, final, and termination reports, and annual reports for interstate pipelines only. Intrastate pipelines are still required to file annual reports, but such reports are now due on March 31 (instead of March 1) of each year. These annual reports require the use of a slightly revised form which is available from the Commission.

The ''Recipient'' column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The ''Part 284 Subpart'' column in the following table indicates the type of transaction.

A ''B'' indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to Section 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A ''C'' indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to Section 284.122 of

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

the Commission's regulations and Section 311(a)(2) of the NGPA.

A ''D'' indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to Section 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to Section 284.147(d) of the Commission's Regulations.

An ''E'' indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to Section 284.163 of the Commission's regulations and Section 312 of the NGPA.

A ''G'' indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to Section 284.222 and a blanket certificate issued under Section 284.221 of the Commission's regulations.

A ''G–I'' indicates transportation by an intrastate pipeline company pursuant to a blanket certificate issued under Section 284.227 of the Commission's regulations.

A ''G–S'' indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to Section 284.223 and a blanket certificate issued under Section 284.221 of the Commission's regulations.

A ''G–LT'' or ''G–LS'' indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under Section 284.224 of the Commission's regulations.

A ''G–HT'' or ''G–HS'' indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.224 of the Commission's regulations.

A ''K'' indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to Section 284.303 of the Commission's regulations.

A ''K–S'' indicates transportation of natural gas on the Outer Continental Shelf by an intrastate pipeline on behalf of shippers other than interstate pipelines pursuant to Section 284.303 of the Commission's regulations.

Linwood A. Watson, Jr.,

Acting Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 286 subpart	Est. max. daily quantity[2]	AFF. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST96–171 .	Northern Natural Gas Co.	Noram Energy Services, Inc.	11–01–95	G–S	100,000	N	I	9–15–95	INDEF.
ST96–172 .	Northern Natural Gas Co.	Tristar Gas Marketing Co.	11–1–95	G–S	10,000	N	F	7–1–95	7–31–95.
ST96–173 .	Northern Natural Gas Co.	NGC Transportation, Inc.	11–1–95	G–S	9,550	N	F	6–5–95	6–9–95.
ST96–174 .	Northern Natural Gas Co.	Aquila Energy Marketing Corp.	11–1–95	G–S	15,250	N	F	10–1–95	10–31–95.
ST96–175 .	Williams Natural Gas Co.	City of Cleveland	11–1–95	G–S	2,000	N	F	10–12–95	INDEF.
ST96–176 .	Williams Natural Gas Co.	Western Resources, Inc.	11–1–95	G–S	11,100	N	F	10–1–95	INDEF.
ST96–177 .	Texas Gas Transmission Corp.	Enron Capital & Trade Res. Corp.	11–2–95	G–S	50,000	N	I	10–10–95	INDEF.
ST96–178 .	Texas Gas Transmission Corp.	Coast Energy Group	11–2–95	G–S	30,000	N	I	10–17–95	INDEF.
ST96–179 .	Texas Gas Transmission Corp.	Highland Energy Co	11–2–95	G–S	50,000	N	I	10–7–95	INDEF.
ST96–180 .	Texas Gas Transmission Corp.	CNG Energy Services Co.	11–2–95	G–S	10,000	N	I	10–5–95	INDEF.
ST96–181 .	Oasis Pipe Line Co .	El Paso Natural Gas Co., et al.	11–2–95	C	50,000	N	I	10–1–95	INDEF.
ST96–182 .	Havre Pipeline Co., L.L.C.	Northern Natural Gas Co., et al.	10–31–95	C	55,468	N	I	10–1–95	10–31–10.
ST96–183 .	Gulf Energy Pipeline Co.	Tennessee Gas Pipeline Co.	11–2–95	C	1,000	N	F	10–13–95	INDEF.
ST96–184 .	Northwest Pipeline Corp.	Enron Capital & Trading Resources.	11–3–95	G–S	89,000	N	F	10–1–95	INDEF.
ST96–185 .	Natural Gas P/L Co. of America.	Torch Gas, L.C	11–3–95	G–S	14,000	N	F	10–4–95	10–31–95.
ST96–186 .	Humble Gas Pipeline Co.	Natural G/P/L Co. of Am., et al.	11–6–95	C	300,000	N	I	9–1–93	INDEF.
ST96–187 .	Pacific Gas Transmission Co.	Westcoast Gas Services.	11–6–95	G–S	30,000	N	I	10–14–95	INDEF.
ST96–188 .	Pacific Gas Transmission Co.	Amoco Energy Trading Corp.	11–6–95	G–S	270,173	N	I	10–4–95	INDEF.
ST96–189 .	Pacific Gas Transmission Co.	Direct Energy Marketing Limited.	11–6–95	G–S	100,000	N	I	10–14–95	INDEF.
ST96–190 .	Pacific Gas Transmission Co.	Dekalb Energy Co ...	11–6–95	G–S	20,000	N	I	10–22–95	INDEF.
ST96–191 .	Pacific Gas Transmission Co.	Portland General Electric Co.	11–6–95	G–S	100,000	N	I	9–21–95	INDEF.
ST96–192 .	Florida Gas Transmission Co.	Transco Gas Marketing Co.	11–7–95	G–S	100,000	N	I	10–6–95	INDEF.
ST96–193 .	Lone Star Pipeline Co.	Arkla Energy Resources, et al.	11–8–95	C	10,000	N	I	10–19–95	INDEF.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 286 subpart	Est. max. daily quantity[2]	AFF. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST96–194 .	U–T Offshore System.	Noble Gas Marketing, Inc.	11–9–95	K–S	40,000	N	I	10–1–95	INDEF.

[1] Notice of transaction does not constitute a determination that filings comply with commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/10/85).
[2] Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.
[3] Affiliation of reporting company to entities involved in the transaction. A ''Y'' indicates affiliation, an ''A'' indicates marketing affiliation, and a ''N'' indicates no affiliation.

[FR Doc. 95–30428 Filed 12–13–95; 8:45 am]
BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–300404; FRL–4986–5]

Benomyl, Propargite, Thiophanate-Methyl, and Triadimefon; Request for Comment on Petitions to Revoke Certain Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Receipt and Availability of Petitions.

SUMMARY: This document announces the receipt of and solicits comments on three petitions. A petition filed by the International Apple Institute requests revocation of four section 409 feed additive regulations (FARs) established under the Federal Food, Drug and Cosmetic Act (FFDCA) for residues of benomyl, propargite, thiophanate-methyl, and triadimefon in dried apple pomace. A petition filed by Janssen Pharmaceutica requests revocation of the food additive regulation for residues of imazalil in citrus oil. A petition filed by the Mancozeb Task Force requests revocation of the FARs for residues of mancozeb in or on milled feed fractions of barley, oats, rye, and wheat. This notice sets forth the basis for the petitioners' proposals and provides opportunity for public comment.

DATES: Written comments, identified by the document control number [OPP-300304], must be received on or before January 16, 1996.

ADDRESSES: By mail, requests for copies of the petition and comments should be forwarded to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Copies of the petition will be available for public inspection from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays in: Information Services Branch, Program Management and Support Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703-305-5805.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection at the address and hours given above.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-300404]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in [OPP-300304] of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. WF32C5, Crystal Station #1, 2800 Crystal Drive, Arlington, VA. Telephone: 703-308-8028; e-mail: nazmi.niloufar@epamail.epa.gov.

I. Introduction

Statutory Framework

The Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 136 et seq.) authorizes the establishment of tolerances and exemptions from tolerances for the residues of pesticides in or on raw agricultural commodities (RACs), and section 409 of the Act authorizes promulgation of food additive regulations for pesticide residues in processed foods.

Under section 408 of the FFDCA, EPA establishes tolerances, or exemptions from tolerances when appropriate, for pesticide residues in raw agricultural commodities. Food/feed additive regulations (FARs) setting maximum permissible levels of pesticide residues in processed foods are established under section 409. Section 409 FARs are required, however, only for certain pesticide residues in processed food. Under section 402(a)(2) of the FFDCA, no section 409 food additive regulation is required if any pesticide residue in a processed food resulting from use on an RAC has been removed to the extent possible by good manufacturing practices and is below the tolerance for that pesticide in or on that RAC. This exemption in section 402(a)(2) is commonly referred to as the ''flow-through'' provision because it allows the section 408 raw food tolerance to flow through to processed food. Thus, a section 409 food additive regulation is only necessary to prevent foods from being deemed adulterated when despite the use of good manufacturing practices the concentration of the pesticide residue in a processed food is greater than the tolerance prescribed for the raw agricultural commodity, or if the processed food itself is treated or comes in contact with a pesticide. Monitoring and enforcement are carried out by the Federal Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA).

The establishment of a food additive regulation under section 409 requires a finding that use of the pesticide will be ''safe'' (21 U.S.C. 348(C)(3)). Section 409 also contains the Delaney clause, which specifically provides that, with limited

exceptions, no additive may be approved if it has been found to induce cancer in man or animals (21 U.S.C. 348(C)(5)).

In setting both section 408 tolerances and section 409 FARs, EPA reviews residue chemistry and toxicology data. To be acceptable, tolerances and FARs must be both high enough to cover residues likely to be left when the pesticide is used in accordance with its labeling, and low enough to protect the public health. With respect to section 408 tolerances, EPA determines the highest levels of residues that might be present in an RAC based on controlled field trials conducted under the conditions allowed by the product's labeling that are expected to yield maximum residues. Generally, EPA's policy concerning whether a section 409 FAR is needed depends on whether there is a possibility that the processing of an RAC containing pesticide residues would result in residues in the processed food at a level greater than the raw food tolerance. EPA makes these determinations based on processing studies.

II. International Apple Institute Petition

The International Apple Institute (IAI) has submitted a petition requesting the revocation of the FAR established under section 409 of the FFDCA for residues of benomyl, propargite, thiophanate-methyl, and triadimefon in dried apple pomace. The FARs for residues of benomyl, propargite, thiophanate-methyl, and triadimefon in dried apple pomace are codified in 40 CFR 186.350, 186.5000, 186.5700, and 186.800, respectively.

Background

EPA requires processing data and sets tolerances and FARs only on animal feeds that are consumed in significant amounts in the United States. Table II of the Pesticide Assessment Guidelines, Subdivision O, Residue Chemistry, provides a listing of all significant food and feed commodities, both raw and processed, for which residue data are collected and tolerances or FARs are established. On September 21, 1995, EPA announced the availability of the updated Table II and modified its guidelines regarding which raw commodities and processing byproducts EPA will consider as animal feeds requiring FARs (60 FR 49150). The general cutoff point used by EPA in deciding which feed items are considered ''significant'', is whether the feed item constitutes greater than 0.04 percent, by weight, of the total feed available to livestock in the U.S.

Based on the above criteria, the Agency has determined that dried apple pomace is not a significant feed item and has removed it from Table II. Subsequently, in the Federal Register of September 21, 1995 (60 FR 49141), EPA issued a proposed rule to revoke the FARs for residues of benomyl, propargite, thiophanate-methyl, and triadimefon in dried apple pomace.

III. Janssen Pharmaceutica Petition

Janssen Pharmaceutica is petitioning EPA to revoke the section 409 FAR for imazalil in citrus oil on the grounds that, in the ready-to-eat form, the residue levels are below the section 408 tolerance level established for imazalil in the RAC. The Petitioner argues that by the virtue of the flow-through provision of section 402(a)(2) of the FFDCA, the FAR is unnecessary. The FAR for residues of imazalil in citrus oil is codified in 40 CFR 185.3650.

The Petitioner maintains that citrus oil is used as a flavoring agent in minuscule amounts, and if used in excess, it renders food unpalatable. Included in the petition is a survey of flavoring ingredient usage levels conducted by the Flavoring Extract Manufacturers' Association. These values allegedly represent the quantity of citrus oil added to food to accomplish its intended physical effect. The data presented show that maximum residues of imazalil in ready-to-eat foods are below the section 408 tolerance. Therefore, Janssen Pharmaceutica argues that the section 409 FAR is not needed and should be revoked on the basis that it is not necessary.

Background

In the Federal Register of January 18, 1995 (60 FR 3607), EPA issued a proposed rule to revoke the section 409 FAR for imazalil in citrus oil because the Agency has determined that imazalil induces cancer in animals and therefore violates the Delaney clause in section 409 of the FFDCA.

In the Federal Register of June 14, 1995 (60 FR 31300), EPA issued its response to a petition filed by the National Food Processors Association that sought the revision of many EPA policies. In that notice, EPA announced its revised approach to the term ready-to-eat (RTE). EPA believes that a food should be considered ready to eat only if it is consumed ''as is'' or added to other ready-to-eat foods.If EPA finds that a processed food form is not ready to eat, and once diluted to its RTE form the residues are below that of the RAC, then a section 409 FAR would not be needed and the Delaney clause would not apply. The Agency's final rule regarding the residues of imazalil in citrus oil will be published by July 1996.

IV. Mancozeb Task Force Petition

The Mancozeb Task Force (DuPont, Elf Atochem North America, Inc., and Rohm & Haas Co.) has submitted a petition requesting the revocation of the FARs established under section 409 of the FFDCA for residues of mancozeb in or on milled feed fractions of barley, oats, rye, and wheat. This FAR is codified in 40 CFR 186.6300.

As explained in section II above, EPA recently updated Table II of the Pesticide Assessment Guidelines, Subdivision O, Residue Chemistry. EPA has determined that milled fractions of barley, oats, and rye are not significant feed items, and therefore the section 409 FAR is no longer necessary. In the Federal Register of September 21, 1995 (60 FR 4915), EPA issued a proposed rule to revoke the FAR for residues of mancozeb on milled fractions of barley, oats, and rye.

As explained in section III above, on June 14, 1995, EPA announced its revised approach to the term ready-to-eat. Based on this policy, EPA has determined that milled fractions of wheat is not a ready-to-eat feed item, and once diluted, the residues of mancozeb in the RTE animal feeds are unlikely to exceed the section 408 tolerance level. Therefore, a section 409 FAR is unnecessary. On this basis, in the Federal Register of September 21, 1995 (60 FR 49150), EPA revoked the section 409 FAR on milled fractions of wheat.

Pursuant to 40 CFR 177.125 and 177.30, EPA may issue an order ruling on the petitions or may issue a proposal in response to the petitions and seek further comment. If EPA issues an order in response to the petitions, any person adversely affected by the order may file written objections and a request for a hearing on those objections with EPA on or before the 30th day after date of the publication of the order (40 CFR 178.20).

A record has been established for this notice under docket number [OPP-300404] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs,

Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

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

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

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 13, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95–30502 12–11–95; 3:28 pm]

BILLING CODE 6560–50–F

FEDERAL RESERVE SYSTEM

Fulton Financial Corporation, 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 January 10, 1996.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Fulton Financial Corporation, Lancaster, Pennsylvania; to merge with Gloucester County Bankshares, Inc., Woodbury, New Jersey, and thereby indirectly acquire The Bank of Gloucester County, The Deptford Township, New Jersey.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Pittsburgh Home Financial Corp., Pittsburgh, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Pittsburgh Home Savings Bank, Pittsburgh, Pennsylvania.

C. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. FABP Bancshares, Inc., Pensacola, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First American Bank of Pensacola, N.A., Pensacola, Florida.

D. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Crestmark Bancorp, Inc., Bloomfield Hills, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Crestmark Bank, Troy, Michigan (in organization).

E. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Baxter Bancshares, Inc., Baxter Springs, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The Baxter State Bank, Baxter Springs, Kansas, and 24.99 percent of the voting shares of People's National Bank, Seneca, Missouri (in organization).

F. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Cullen/Frost Bankers, Inc., San Antonio, Texas, and The New Galveston Company, Wilmington, Delaware; to acquire 100 percent of the voting shares of Park National Bank of Houston, Houston, Texas.

2. Sabine Bancshares, Inc., Many, Louisiana; to merge with First Community Bancshares, Inc., Winnfield, Louisiana, and thereby indirectly acquire Winn Bancshares, Inc., Winnfield, Louisiana, and First Community Bank, Winnfield, Louisiana.

Board of Governors of the Federal Reserve System, December 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–30439 Filed 12–13–95; 8:45 am]

BILLING CODE 6210–01–F

Spencer Bancorporation, Inc., Employee Stock Ownership Plan & Trust; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than December 29, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Spencer Bancorporation, Inc. Employee Stock Ownership Plan & Trust, Spencer, Wisconsin; to acquire an additional 5.40 percent, for a total of 12.25 percent of the voting shares of Spencer Bancorporation, Inc., Spencer, Wisconsin, and thereby indirectly acquire Spencer State Bank, Spencer, Wisconsin.

Board of Governors of the Federal Reserve System, December 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–30440 Filed 12–13–95; 8:45 am]

BILLING CODE 6210–01–F

PRESIDENTIAL ADVISORY COMMITTEE ON GULF WAR VETERANS' ILLNESSES

Meeting

AGENCY: Presidential Advisory Committee on Gulf War Veterans' Illnesses.

ACTION: Notice of open meeting.

SUMMARY: This notice is hereby given to announce an open meeting of a panel of the Presidential Advisory Committee on Gulf War Veterans' Illnesses. The panel will discuss decisionmaking related to the use of investigational drugs and vaccines in the Gulf War and will receive comment from members of the public. Dr. Arthur L. Caplan will chair this panel meeting.

DATES: January 12, 1996, 8:30 a.m.–4:00 p.m.

PLACE: Westin Crown Center, One Pershing Road, Kansas City, MO 64108.

SUPPLEMENTARY INFORMATION: The President established the Presidential Advisory Committee on Gulf War Veterans' Illnesses by Executive Order 12961, May 26, 1995. The purpose of this committee is to review and provide recommendations on the full range of government activities associated with Gulf War veterans' illnesses. The committee reports to the President through the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs. The committee members have expertise relevant to the functions of the committee and are appointed by the President from non-Federal sectors.

Tentative Agenda

Friday, January 12, 1996

8:30 a.m. Call to order and opening remarks
8:40 a.m. Public comment
10:00 a.m. Break
10:15 a.m. Public comment (cont.)
11:15 a.m. Briefings and discussion on decisionmaking processes
12:15 p.m. Lunch
1:30 p.m. Briefings and discussion on waiver informed consent
2:30 p.m. Break
2:45 p.m. Briefings and discussion on current policy and implications for the future
3:45 p.m. Strategies and next steps
4:00 p.m. Meeting adjourned

A final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Members of the public who wish to make oral statements should contact the Advisory Committee at the address or telephone number listed below at least five business days prior to the meeting. Reasonable provisions will be made to include on the agenda presentations from individuals who have not yet had an opportunity to address the Advisory Committee. The panel chair is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. People who wish to file written statements with the Advisory Committee may do so at any time.

FOR FURTHER INFORMATION CONTACT: Michael E. Kowalok, Presidential Advisory Committee on Gulf War Veterans' Illnesses, 1411 K Street, NW., suite 1000, Washington, DC 20005, Telephone: (202) 761–0066, Fax: (202) 761–0310.

Dated: December 8, 1995.

C.A. Bock,

Federal Register Liaison Officer, Presidential Advisory Committee on Gulf War Veterans' Illnesses.

[FR Doc. 95–30446 Filed 12–13–95; 8:45 am]

BILLING CODE 3610–76–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Collection Requirements Submitted for Public Comment

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice.

SUMMARY: This notice announces the Agency for Health Care Policy and Research's (AHCPR's) intention to request the Office of Management and Budget (OMB) review of two proposed data collection projects. In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), the AHCPR invites the public to comment on these proposed information collections.

DATES: Comments on this notice must be received by February 12, 1996.

ADDRESSES: Written comments should be submitted to: Carole Dilliard, Reports Clearance Officer, AHCPR, 2101 East Jefferson Street, Suite 502, Rockville, MD 20852–4908.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed data collections. All comments will also become a matter of public record.

In accordance with the above cited legislation, comments on the data collection proposals are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Carole Dillard, AHCPR's Reports Clearance Officer, (301) 594–1354.

SUPPLEMENTARY INFORMATION:

Proposed Projects

1. Evaluation of the kiosk-based ChoiceCard. This computer program, designed by Benova, Inc. through the Small Business Innovative Research (SBIR) program, assists Medicaid recipients in choosing health plans. A sample of individuals who used the system will be asked questions about the usefulness of the decision-support system. The survey results will help to refine the kiosk-based, ChoiceCard computer program. Burden estimates follow:

	Consumer
Number of respondents	300.
Number of surveys per respondent.	1.
Average burden/response	.5 hours.
Estimated total burden/response	150 hours.

2. Evaluation of decision-support materials for helping consumers to choose health plans. These print and video materials, designed by Abacus through the Small Business Innovative Research Program (SBIR), were developed to help minority and underserved workers and Medicaid recipients and their families in choosing health care plans. The survey will be filled out by consumers after they use the decision-support materials and the results will be used to refine those materials. Burden estimates follow:

	Consumer
Number of respondents	150.
Number of surveys per respondent.	1.
Average burden/response	.25 hours.
Estimated total burden/response	38 hours.

Copies of these data collection plans and instruments can be obtained from AHCPR's Reports Clearance Officer (see above for details).

Dated: December 7, 1995.

Clifton R. Gaus, Sc.D.,

Administrator.

[FR Doc. 95–30478 Filed 12–13–95; 8:45 am]

BILLING CODE 4160–90–M

Food and Drug Administration

[Docket No. 95G–0389]

Aplin & Barrett Ltd.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Aplin & Barrett Ltd., has filed a petition (GRASP 5G0417) proposing to affirm that nisin preparation is generally recognized as safe (GRAS) as an antimicrobial agent in sauces and nonstandardized salad dressings.

DATES: Written comments by February 27, 1996.

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

FOR FURTHER INFORMATION CONTACT: Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3072.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 409(b)(5) (21 U.S.C. 321(s) and 348(b)(5)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that Aplin & Barrett Ltd., c/o 700 13th St. NW., suite 1200, Washington, DC 20005, has filed a petition (GRASP 5G0417) proposing that nisin preparation be affirmed as GRAS for use as an antimicrobial agent in sauces and nonstandardized salad dressings.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 (21 CFR 170.30) and 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Interested persons may, on or before February 27, 1996, review the petition and file comments with the Dockets Management Branch (address above). Two copies of any comments should be filed and should be identified with the docket number found in brackets in the heading of this document. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. In addition, consistent with the regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency encourages public participation by review of and comment on the environmental assessment submitted with the petition that is the subject of this notice. A copy of the petition (including the environmental assessment) and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 21, 1995.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–30500 Filed 12–13–95; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Public Information Collection Requirements Submitted for Public Comment and Recommendations

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Reconciliation of State Invoice (Formerly: Remittance Advice Report) and Prior Quarter Adjustment Statement; *Form No.:* HCFA–304, HCFA–304a; *Use:* The Omnibus Budget Reconciliation Act of 1990 requires drug labelers to enter into and have in effect a rebate agreement with HCFA for States to receive funding for drugs dispensed to Medicaid recipients.

The regulation at 42 CFR 447.534 requires labelers to report specific drug rebate data to States when payment is made; *Affected Public:* Business or other for profit; *Number of Respondents:* 520; *Total Annual Responses:* 2,080; *Total Annual Hours Requested:* 170,560. To request copies of the proposed paperwork collection referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collection should be sent within 60 days of this notice direct to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Linda Mansfield, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: December 7, 1995.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 95–30475 Filed 12–13–95; 8:45 am]

BILLING CODE 4120–03–P

Public Information Collection Requirements Submitted for Public Comment and Recommendations

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any

of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Maximizing the Effectiveness of Home Health Care: The Influence of Service Volume and Integration With Other Care Settings on Patient Outcomes; *Form No.:* HCFA-R–189; *Use:* This study will examine (1) the relationship of home health care service volume and patient outcomes, and (2) the relationship of the physician role and integration of other services and patient outcomes; *Frequency:* Other (periodically); *Affected Public:* Not-for-profit institutions, business or other for profit, and individuals or households; *Number of Respondents:* 6,300; *Total Annual Hours:* 3,573.

2. *Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Request for Certification in the Medicare and/or Medicaid Program to Provide Outpatient Physical Therepy and/or Speech Pathology Services, Outpatient Physical Therapy Speech Pathology Survey Report; *Form Nos.:* HCFA–1856, HCFA–1893; *Use:* The Medicare Program requires outpatient physical therapy providers to meet certain health and safety requirements. The request for certification form is used by State agency surveyors to determine if minimum Medicare eligibility requirements are met. The survey report form records the result of the onsite survey; *Frequency:* On occasion; *Affected Public:* Business or other for profit; *Number of Respondents:* 1,700; *Total Annual Hours:* 446.25.

3. *Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Request for Certification as Supplier of Portable X-ray Services Under the Medicare/Medicaid Programs, and Portable X-ray Survey Report; *Form Nos.:* HCFA–1880, HCFA–1882; *Use:* The Medicare program requires portable x-ray suppliers to be surveyed for health and safety standards. The HCFA–1882 is the survey form that records survey results. The HCFA–1880 is used by the surveyor to determine if a portable x-ray applicant meets the eligibility requirements; *Frequency:* On occasion; *Affected Public:* Business or other for profit; *Number of Respondents:* 520; *Total Annual Hours:* 137.

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Organ Procurement Organization's Request for Designation; *Form No.:* HCFA–576; *Use:* The information provided on this form serves as a basis for certifying organ procurement organizations (OPO) for participation in the Medicare and Medicaid programs and will indicate whether the OPO is meeting the specified performance standards for reimbursement of service; *Frequency:* Biennially; *Affected Public:* Business or other for profit, not-for-profit institutions; *Number of Respondents:* 80; *Total Annual Hours:* 160.

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Physical Therapist in Independent Practice Request for Certification in the Medicare Program; *Form No.:* HCFA–262; *Use:* The HCFA–262 is used by the surveyors to determine if a physical therapist in independent practice requesting Medicare approval meets the eligibility requirements; *Frequency:* On occasion; *Affected Public:* Business or other for profit; *Number of Respondents:* 7,322; *Total Annual Hours:* 1,098.

6. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Request for Approval as a Hospital Provider of Extended Care Services (Swing-Bed) in the Medicare and Medicaid Programs; *Form No.:* HCFA–605; *Use:* The HCFA–605 is used for facility identification and screening. It will be completed by a hospital that is requesting approval and will initiate the process of determining the hospital's eligibility and for which bed count category the hospital wishes to request approval; *Frequency:* Other (one-time usage for initial application); *Affected Public:* Business or other for profit, not-for-profit institutions, Federal Government; *Number of Respondents:* 1,500; *Total Annual Hours:* 375.

To request copies of the proposed paperwork collections referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: December 7, 1995.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 95–30474 Filed 12–13–95; 8:45 am]

BILLING CODE 4120–03–P

Health Resources and Services Administration

Rural Health Services Outreach Grant Program

AGENCY: Health Resources and Services Administration, PHS.

ACTION: Notice of availability of funds.

SUMMARY: The Office of Rural Health Policy, Health Resources and Services Administration (HRSA), announces that applications are being accepted for Rural Health Services Outreach Demonstration Grants to expand or enhance the availability of essential health services in rural areas. Grants for these projects are authorized under Section 301 of the Public Health Service Act.

This program announcement for the above stated program is subject to the appropriation of funds for this activity. Applicants are advised that this program announcement is a contingency action being taken to assure that should funds become available for this purpose, awards can be made in a timely fashion consistent with the needs of the program. At this time, given a continuing resolution and the absence of FY 1996 appropriations for this program, the amount of funds available cannot be estimated.

NATIONAL HEALTH OBJECTIVES FOR THE YEAR 2000: The Health Resources & Services Administration (HRSA) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a Public Health Service (PHS) national activity for setting priority areas. The Rural Health Services Outreach program is related to the priority areas for health promotion, health protection and preventive services. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–C) 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).

AMOUNT AND DURATION OF GRANT AWARDS: Individual grant awards under this notice will be limited to a total amount of $300,000 (direct and indirect costs) per year. Applications for smaller amounts are encouraged. Applicants may propose project periods for up to three years, but the duration of projects is contingent upon the availability of funds. It is expected that the average grant award will be approximately $180,000 for the first year. However, applicants are advised that continued funding of grants beyond the one year period covered by this announcement is contingent upon the appropriation of funds for the program and assessment of grantee performance. No project will be supported for more than three years.

APPLICATION DEADLINE: Applications for the program must be received by the close of business on March 15, 1996. Completed applications must be sent to The Grants Management Officer, c/o Global Exchange, Inc., 7910 Woodmont Avenue, Suite 400, Bethesda, Maryland 20814.

Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. Applicants must obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing. Late applications will be returned to the sender.

The standard application form and general instructions for completing applications (Form PHS–5161–1, OMB #0937–0189) have been approved by the Office of Management and Budget. To receive an application kit, contact The Grants Management Office, c/o Global Exchange, Inc., 7910 Woodmont Avenue, Suite 400, Bethesda, Maryland 20814 or, in the contiguous U.S., call 1–800/784–0345. Hawaii, Alaska, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Compact of Free Association Jurisdictions of the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia should call 301/656–3100 COLLECT.

FOR FURTHER INFORMATION CONTACT: Information or technical assistance regarding business, budget, or financial issues should be directed to the Office of Grants Management, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East West Highway, 11th Floor, Bethesda, Maryland 20814, 301/594–4260. Requests for technical or programmatic information on this announcement should be directed to Eileen Holloran, Office of Rural Health Policy, Room 9–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–0835.

SUPPLEMENTARY INFORMATION:

Eligible Applicants

The grant recipient must be a nonprofit or public entity which meets one of the three requirements stated below.

(1) The applicant's central administrative headquarters where the grant will be managed is not located in a Metropolitan Statistical Area as defined by the Office of Management and Budget. A list of the cities and counties that are designated as Metropolitan Statistical Areas is included in the application kit. If your organization's central administrative headquarters is located in one of these areas, you are not eligible for the program unless you meet one of the other two criteria listed below.

(2) Some Metropolitan Statistical Areas on the list are extremely large. We have divided these areas into rural and urban census tracts. Appendix I provides a list of these Metropolitan Statistical Areas and the rural census tracts in each area. If your central administrative headquarters is located within one of these census tracts, you are eligible for the program.

(IF YOU ARE ELIGIBLE UNDER THIS CRITERION, YOU MUST LIST YOUR COUNTY AND CENSUS TRACT UNDER ITEM #8 ON THE FACE PAGE OF THE APPLICATION OR YOUR APPLICATION WILL BE RETURNED. If you do not know your census tract, Appendix II provides the telephone numbers for regional offices of the Census Bureau. You should call the appropriate office to determine your census tract.)

(3) Your organization is constituted exclusively to provide services to migrant and seasonal farmworkers in rural areas and is supported under Section 329 of the Public Health Service Act. These organizations are eligible regardless of the urban or rural location of their administrative headquarters.

In addition to meeting one of the above criteria, the applicant must be capable of receiving the grant funds directly and must have the capability to manage the project. This means that the applicant organization must be able to exercise administrative and program direction over the grant project; must be responsible for hiring and managing the project staff; must have the administrative and accounting capabilities to manage the grant funds; and must have some permanent staff at the time a grant award is made. Further, the applicant organization must have an Employer Identification Number from the Internal Revenue Service at the time of the grant award and other proof of organizational viability that may be requested by the Grants Management Office.

Applicants from the 50 United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Territories of the Virgin Islands, Guam, American Samoa, the Compact of Free Association Jurisdictions of the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia, are eligible to apply.

Applications from organizations that do not meet one of the three requirements described above will not be reviewed.

Current Rural Health Services Outreach grantees who are in the last year of their projects may not reapply for funds to support the same project. Any new proposal they submit must have a different focus from the project that is currently being funded.

Program Objectives

The purpose of the program is to support projects that demonstrate new and innovative models of outreach and health care services delivery in rural areas that lack basic health services. Grants will be awarded either for the direct provision of health services to rural populations that are not currently receiving them, or to enable access to and utilization of existing services.

Applicants may propose projects to address the needs of a wide range of rural population groups, including the poor, the elderly, the disabled, pregnant women, infants, adolescents, rural minority populations, and rural populations with special health care needs. Projects should be responsive to the special cultural and linguistic needs of specific populations.

A central goal of the demonstration program is to develop new and innovative models for more effective integration and coordination of health services in rural areas. It is hoped that some of these models will prove significant in solving rural health problems throughout the country. In order to better integrate the provision of health services in rural areas, participation in the program requires

the formation of consortium arrangements among three or more separate and distinct entities to carry out the demonstration projects.

A consortium must be composed of three or more health care organizations, or a combination of three or more health care and social service organizations. At least one of the entities must be a health care service delivery organization. Individual members of a consortium might include such entities as hospitals, public health agencies, Area Health Education Centers, home health providers, mental health centers, substance abuse service providers, rural health clinics, social service agencies, health profession schools, local school districts, emergency service providers, community and migrant health centers, civic organizations, etc. Although applicants for the program must be nonprofit or public entities, other consortium members may be for-profit organizations.

The roles and responsibilities of each member organization must be clearly defined and each must contribute significantly to the goals of the project. The process used to ensure compliance with the consortium requirement includes two steps: (1) making sure that at least three organizations, including the applicant, are identified, and that each is a separate legal entity, and (2) ensuring that each member plays a substantial part in accomplishing the objectives of the project.

Applicants are encouraged to develop projects to address specific areas of need in their communities. Need can be established through a formal needs assessment or by population specific demographic data. The following are examples of project focus areas that can be supported through this program:

1. Projects that bring ambulatory and mental health care to unserved or underserved rural areas or populations. The HRSA has a special priority to establish primary care programs along the U.S./Mexican border.

2. Projects that provide, or make possible the provision, of emergency medical services within rural areas that lack these services.

3. The creation of new integrated networks of providers to deliver ambulatory care when such networks appear likely to improve access to health care or its quality. The HRSA is especially interested in networks that may become a part of managed care systems in rural areas.

4. Projects that provide services that enable rural populations to better utilize existing health services, including those involving the use of community outreach workers.

5. Projects that provide training for health care professionals and workers, including community outreach workers, when such training may be demonstrated to be likely to lead to higher quality services or more accessible services in rural areas.

6. Projects that enhance the health and safety of farmers, farm families, and migrant and seasonal farm workers through direct services.

7. Projects that address the needs of rural minority populations.

8. Projects that train rural people in disease prevention and health promotion, when such training addresses critical needs of the area.

9. Telecommunication and telemedicine projects.

10. Projects on adolescent health and on school-based programs.

The focus areas listed above are examples only. All projects must address the demonstrated needs of the community.

Review Consideration

Grant applications will be evaluated on the basis of the following criteria:

1. The extent to which the applicant has documented and justified the need(s) for the proposed project.

2. The extent to which the applicant has proposed new approaches that will meet the health care needs of the community and has developed measurable goals and objectives for carrying out the project.

3. The extent to which the applicant has clearly defined the roles and responsibilities of each member of the consortium and demonstrated the experience and expertise needed to manage the project.

4. The level of local commitment and involvement with the project, as evidenced by: (1) the extent of cost participation on the part of the applicant, members of the consortium, and other organizations; (2) letters of support from community leaders and organizations; and, (3) the feasibility of plans to sustain the project after federal grant support is ended.

5. The reasonableness of the budget that is proposed for the project.

6. The extent to which the applicant has developed a realistic and workable plan for evaluating the project and for disseminating information about the project.

Geographic Considerations

The HRSA hopes to expand the outreach program into geographic areas not currently served by the program. Consequently, HRSA will consider geographic coverage when deciding which approved applications to fund.

Other Information

Grantees will be required to use at least 85 percent of the total amount awarded for outreach and care services, as opposed to administrative costs. At least 50 percent of the funds awarded must be spent in rural areas. This is a demonstration program that will not support projects that are solely or predominantly designed for the purchase of equipment or vehicles. The purchase of equipment and vehicles may not represent more than 40 percent of the total federal share of a proposal. Grant funds may not be used for purchase, construction or renovation of real property or to support the delivery of inpatient services.

Applicants are advised that the entire application may not exceed 70 pages in length including the project and budget narratives, face page, all forms, appendices, attachments and letters of support. Applications that exceed the 70 page limit will not receive consideration. All applications must be typewritten and legible. Margins must be no less than ½ inch on all sides.

Public Health System Impact Statement

This program is subject to the Public Health System Reporting Requirements. Reporting requirements have been approved by the Office of Management and Budget—# 0937–0195. Under these requirements, the community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to state and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based non-governmental applicants are required to submit the following information to the head of the appropriate state and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date:

a. A copy of the face page of the application (SF 424).

b. A summary of the project not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate state or local health agencies.

Executive Order 12372

The Rural Health Services Outreach Grant Program has been determined to

be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of federal programs by appropriate health planning agencies as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their states for assistance under certain Federal programs. Applicants (other than federally-recognized Indian tribal governments) should contact their state Single Point of Contact (SPOCs), a list of which will be included in the application kit, as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more then one state, the applicant is advised to contact the SPOC of each affected State. All SPOC recommendations should be submitted to Harriet Green, Office of Grants Management, Bureau of Primary Health Care, 4350 East West Highway, 11th Floor, Bethesda, Maryland 20814, (301) 594–4260. The due date for state process recommendations is 60 days after the application deadline (May 15, 1996) for competing applications. The granting agency does not guarantee to ''accommodate or explain'' state process recommendations it receives after that date. (See Part 148 of the PHS Grants Administration Manual, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR Part 100 for a description of the review process and requirements.

State Offices of Rural Health

Applicants should notify their State Office of Rural Health of their intent to apply for this grant program. The State Office can provide information and technical assistance. A list of State Offices of Rural Health will be provided with the application kit.

OMB Catalog of Federal Domestic Assistance number is 93.912

Dated: December 7, 1995.

Ciro V. Sumaya,

Administrator.

Appendix I

*Census tract numbers are shown *below* each county name.

To be eligible under criterion #2 your organization's central administrative headquarters must be located in one of the census tracts that is listed below your county. The county name and the census tract number *must be included in section* #8 on the face page of the 424 application.

State

County

Census tract number

Alabama

Baldwin

0101
0102
0106
0110
0114
0115
0116

Mobile

0059
0062
0066
0072.02

Tuscaloosa

0107

Arizona

Maricopa

0101
0405.02
0507
0611
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California

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El Dorado

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Los Angeles

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Monterey

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Placer

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Riverside

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San Bernardino

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San Diego

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San Joaquin

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Santa Barbara

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Santa Clara

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Shasta

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Sonoma

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Stanislaus

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Tulare

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Ventura

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Colorado

Adams

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0087.01

El Paso

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Larimer

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Pueblo

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Weld

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Florida

Collier

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Dade

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Marion

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Osceola

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Palm Beach

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Polk

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Kansas

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Louisiana

Rapides

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Terrebonne

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Minnesota

St. Louis

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Stearns

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Montana

Cascade

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Yellowstone

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Nevada

Clark

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Washoe

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New Mexico

Dona Ana

0014
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Santa Fe

0101
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New York

Herkimer

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North Dakota

Burleigh

0114
0115

Grand Forks

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Morton

0205

Oklahoma

Osage

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Oregon

Clackamas

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Jackson

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Lane

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Pennsylvania

Lycoming

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0102

South Dakota

Pennington

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Texas

Bexar

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Brazoria

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Harris

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Hidalgo

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Washington

Benton

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Franklin

0208

King

0327
0328
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0331

Snohomish

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Spokane

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Whatcom

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Yakima

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Wisconsin

Douglas

0303

Marathon

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0023

Wyoming

Laramie

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0018

Appendix II

Bureau of the Census Regional Information Service

Atlanta, GA—404–730–3957
Alabama, Florida, Georgia
Boston, MA—617–424–0501
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Upstate New York
Charlotte, NC—704–344–6144
Kentucky, North Carolina, South Carolina, Tennessee, Virginia
Chicago, IL—708–562–1350
Illinois, Indiana, Wisconsin
Dallas, TX—214–767–7105
Louisiana, Mississippi, Texas
Denver, CO—303–969–7750
Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, Wyoming
Detroit, MI—313–259–0056
Michigan, Ohio, West Virginia
Kansas City, KS—913–551–6711
Arkansas, Iowa, Kansas, Missouri, New Mexico, Oklahoma
Los Angeles, CA—818–904–6339
California
Philadelphia , PA—215–597–8313
Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania
Seattle, WA—206–728–5314
Idaho, Montana, Nevada, Oregon, Washington

[FR Doc. 95–30417 Filed 12–13–95; 8:45 am]

BILLING CODE 4160–15–P

Office of Inspector General

Program Exclusions: November 1995

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of November 1995, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, Maternal and Child Health Services Block Grant and Block Grants to States for Social Services programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, City, State	Effective date
Program-Related Convictions	
Amigoni, Nicholas A., Beckley, WV	12/20/95
Bethea, Nesbit, Philadelphia, PA	12/20/95
Bordley, Thomas J., Baltimore, MD	12/20/95
Britos-Bray, Anibal, Baltimore, MD	12/20/95
Burl, Shawn, Birmingham, AL	12/17/95
Chernick, Alan J., New City, NY	12/18/95
Crowe, Steven M., Benwood, WV	12/20/95
Darbro, David A., Greenfield, IN	12/11/95
Frederick, Angela Kay, Brighton, CO	12/18/95
Frost, Rosalyn Francine, Severn, MD	12/20/95
Harbert, Charlea, Perry, OH	12/18/95
Haygood, Regina J., Brooklyn, CA	12/18/95
Jefferson, Hilda Diane, Compton, CA	12/19/95
Koh, Yung Hie, Ashland, KY	12/20/95
McAllister, Katrina, Baltimore, MD	12/20/95
McCall, Shirley A., Spokane, WA	12/19/95
Muscari, Pietro J., Broken Arrow, OK	12/12/95
Nappi, Gerald J., Louisville, OH	12/18/95
Ortiz, Ramon, Englewood, CO	12/18/95
Pal, Bimal K., Ellicott City, MD	12/20/95
Patel, Sharad C., Elizabethtown, KY	12/17/95
Pollock, Hamilton D., Baltimore, MD	12/20/95
Polvinale, David A., Brownsville, PA	12/20/95
Rutgard, Jeffrey Jay, Fort Dix, NJ	12/19/95
Sanchez-Galvan, Julio C., Denver, CO	12/18/95
Stevens, Bruce, Mt Vernon, IL	12/18/95
Teresita, Earley, P.C., New York, NY	12/18/95
Tilghman, Anitra D., Essex, MD	12/20/95
Warren, Vinita R., Wheaton, MD	12/20/95
Wertz, David, Philadelphia, PA	12/20/95
Winder, Tyrone D., Baltimore, MD	12/20/95
Patient Abuse/Neglect Convictions	
Brown, Laurie Ann, Waco, TX	12/17/95
Brown, Gaynelle H., Colorado Springs, CO	12/18/95
Crumitie, Audrey E., Baltimore, MD	12/20/95
Davis, Angela Deshawn, Baton Rouge, LA	12/17/95
Desierra, Elvia L., Denver, CO	12/18/95
Fears, Lashandra S., Tyler, TX	12/17/95
Ferguson, Sandra H., Baltimore, MD	12/20/95
Gannie, Osmond Jr., Olympia, WA	12/19/95
Irvin, Violet, Selma, AL	12/17/95
Laury, Amanda Lee, Rockdale, TX	12/17/95
Nachalis, Allan D., Chester, PA	12/20/95
Skavron, Debra, L., Central Falls, RI	12/19/95
Smart, Sheri A., Plattsburgh, NY	12/18/95
Souder, Maria C., Cincinnati, OH	12/18/95
Wilson, Willard M., Spokane, WA	12/19/95
Conviction for Health Care Fraud	
Kones, Richard J., Rochester, MN	12/20/95

Subject, City, State	Effective date
Range, Ronald E., Northport, AL	12/17/95
Controlled Substance Convictions	
Rockwell, Randall D., Grand Island, NE	12/17/95
Schles, Marvin, Sissonville, WV	12/20/95
License Revocation/Suspension/Surrender	
Boucher, Patricia R., Enfield, NH	12/19/95
Boudreau, Susan, Nashua, NH	12/19/95
Butler, Erica K., Henniker, NH	12/19/95
Cherry, David N., Providence, RI	12/19/95
Cordova, Edmund S., Pasadena, MD	12/20/95
Guanzon, Noel A., Bluefield, WV	12/20/95
Jones, William T., Derry, NH	12/19/95
Kazmerski, Theodore W., North Haverhill, NH	12/19/95
Lens, Robert A., Philadelphia, PA	12/20/95
Schwortz, Preston, Glendale, CA	12/19/95
Thurairatnam, Indran Rajpal, Staten Island, NY	12/18/95
West, William G., Marina Del Rey, CA	12/19/95
Winslow, Wendy L., Concord, NH	12/19/95
Federal/State Exclusion/Suspension	
Burney, William W. II, Wichita, KS	12/18/95
Default on Heal Loan	
Baltazar, Rodney, Jamaica, NY	12/18/95
Barry, Patrick G., San Diego, CA	12/19/95
Bentley, Bobetta, Louisville, KY	12/17/95
Burgess, Jonathan E., Vancouver, WA	12/19/95
Bybee, William D., East Moline, IL	12/18/95
Fitzpatrick, Patrick J., Hesperia, CA	12/19/95
Fletcher, Leonard Gene, Santa, Ana, CA	12/19/95
Font, David E. Jr., Lorain, OH	12/18/95
Jackson, Cynthia L., Pasadena, CA	12/19/95
Jimerson, Ruthie m., Youngstown, OH	12/18/95
Joergens, Donald W. Jr., Staten Island, NY	12/18/95
Johnston, Mary M., Baldwin, NY	12/18/95
Jones, Wendell C., Providence, RI	12/19/95
Kaminsky, Arthur Louis, Long Grove, IL	12/18/95
Kessler, Michael J., Vallejo, CA	12/19/95
Kirk, Marshall S., Lake Carmen, NY	12/18/95
Lentol, Lawrence A., Boca Raton, FL	12/17/95
Lunquist, Glenn A., Douglasville, GA	12/17/95
Martin, John W., Jr., Canton, GA	12/17/95
Morris, Lynda R., Overland Park, KS	12/18/95
Nicholes, David L., Woodinville, WA	12/19/95
Scampole, James J., Farmington, NY	12/18/95
Scott, Clarence Jr., Sanford FL	12/17/95
Shaw, Gary W., New York, NY	12/18/95
Sheppard, Stuart J., Philadelphia, PA	12/20/95
Siqueiros, Rafael O., Salinas, CA	12/19/95
Smith, Barbara E., Pompano Beach, FL	12/17/95
Stone, Steven D., San Leandro, CA	12/19/95
Theobald, Patrick J., Nebraska City, NE	12/17/95
Tucker, Carol A., Chicago, IL	12/18/95
Wallace-Tibbetts, Mila A., Fremont, NE	12/17/95
Williams, Danny C., Broomfield, CO	12/18/95
Section 1128Aa	
Better Health, Inc., Indianapolis, IN	08/11/95
Muscari, Sally Jo, Tulsa, OK	04/12/95
Muscari, Mildred B., Broken Arrow, OK	04/12/95
Shawnee Neuro-Musculo-Skeletal, Broken Arrow, OK	04/12/95

Dated: December 6, 1995.

William M. Libercci,

Director, Health Care Administrative Sanctions, Office of Civil Fraud and Administrative Adjudication.

[FR Doc. 95–30480 Filed 12–13–95; 8:45 am]

BILLING CODE 4150–04–P

National Institutes of Health

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: December 15, 1995.

Time: 12:00 p.m.

Place: NIH, Rockledge 2, Room 5178, Telephone Conference.

Contact Person: Dr. Joseph Kimm, Scientific Review Administrator, 6701 Rockledge Drive, Room 5178, Bethesda, Maryland 20892, (301) 435–1249.

Name of SEP: Behavioral and Neurosciences.

Date: December 15, 1995.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5182, Telephone Conference.

Contact Person: Dr. Carl Banner, Scientific Review Administrator, 6701 Rockledge Drive, Room 5182, Bethesda, Maryland 20892, (301) 435–1251.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Behavioral and Neurosciences.

Date: February 21–23, 1996.

Time: 8:00 a.m.

Place: The Madison Hotel, Washington, D.C.

Contact Person: Dr. David Simpson, Scientific Review Administrator, 6701 Rockledge Drive, Room 5192, Bethesda, Maryland 20892, (301) 435–1278.

Name of SEP: Biological and Physiological Sciences.

Date: February 23, 1996.

Time: 8:30 a.m.

Place: Hyatt Regency, Bethesda, Maryland.

Contact Person: Dr. Robert Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5204, Bethesda, Maryland 20892, (301) 435–1261.

Name of SEP: Biological and Physiological Sciences.

Date: March 1, 1996.

Time: 8:30 a.m.

Place: Hyatt Regency, Bethesda, Maryland.

Contact Person: Dr. Robert Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5204, Bethesda, Maryland 20892, (301) 435–1261.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 8, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–30438 Filed 12–13–95; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact

SUMMARY: Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Amendments to Tribal-State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved Amendment II to the Compact for regulation of Class III gaming between the Confederated Tribes of the Grand Ronde Community of Oregon and the State of Oregon which was executed on October 13, 1995.

DATES: This action is effective December 14, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: November 30, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–30466 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–02–P

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Amendment to Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved amendments to Tribal-State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved Amendment II to the Gaming Compact Between the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon, which was executed on October 20, 1995.

DATES: This action is effective December 14, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: December 5, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–30467 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management Alaska

[AK–962–1410–00–P; F–14918–A]

Notice for Publication; 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 Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Pilot Station for 16,413.45 acres. The lands involved are in the vicinity of Pilot Station, Alaska and are within Tps. 21 and 23 N., R. 73 W.; and T. 19 N., Rgs. 75 and 76 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 January 16, 1996, 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.

Terry R. Hassett,

Chief, Branch of Gulf Rim Adjudication.

[FR Doc. 95–30498 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–JA–P

[WY–985–06–0777–72]

Resource Advisory Council Meeting, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Wyoming Resource Advisory Council.

SUMMARY: This notice sets forth the schedule and agenda of the meeting of the Wyoming Resource Advisory Council (RAC).

DATES: January 23, 1996, from 8:30 a.m. until 5 p.m. and January 24, 1996, from 8:30 a.m. until 3 p.m.

ADDRESSES: Parkway Plaza Hotel, 123 West ''E'' Street, Casper, WY 82602.

FOR FURTHER INFORMATION CONTACT: Terri Trevino, RAC Coordinator, Wyoming Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003, (307) 775–6020.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of Green River Basin Advisory Committee
2. Presentation on Proper Functioning Riparian Area
3. Preliminary reports from RAC sub-groups
4. Standards and Guidelines
5. Public Comment

This meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the RAC Coordinator, at the above address by January 12, 1996.

Depending on the number of persons wishing to make oral statements, a time limit, per person, may be established by the Chair of the Resource Advisory Council.

Alan L. Kesterke,

Associate State Director.

[FR Doc. 95–30463 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–22–M

[WY–989–1050–00–P]

Filing of Plats of Survey; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially file in the Wyoming State Office, Cheyenne, Wyoming, Thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Wyoming

T. 51 N., R. 68 W., accepted November 30, 1995

T. 13 & 14 N., R. 108 W., accepted November 30, 1995

T. 25 N., R. 109 W., accepted November 30, 1995

Sixth Principal Meridian, Nebraska

T. 24 N., R. 10 E., accepted November 30, 1995

T. 25 N., R. 10 E., accepted November 30, 1995

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s) and or appeal(s). A plat will not be officially filed until after disposition of protest(s) and or appeal(s). These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming, and will be available to the public as a matter of information only Copies of the plats will be made available upon request and prepayment of the reproduction fee of $1.10 per copy.

A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys, subdivision of sections.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

Dated: December 5, 1995.

John P. Lee,

Chief, Cadastral Survey Group.

[FR Doc. 95–30477 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–22–M

[NV–930–1430–01; NV–59007]

Notice of Addition of Lands to Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army, Corps of Engineers, has filed a request to add 70 acres to their withdrawal application for flood control facilities in Clark County, Nevada. The original Notice of Proposed Withdrawal was published in the Federal Register, 59 FR 60998, November 29, 1994, and segregated the lands described therein from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights. This notice for additional lands shall not operate to extend the segregation for the lands described in the original notice.

DATES: Comments and requests for meeting should be received on or before March 13, 1996.

ADDRESSES: Comments and meeting requests should be sent to the Nevada State Director, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, 702–785–6507.

SUPPLEMENTARY INFORMATION: On September 21, 1995, the Department of the Army, Los Angeles District, Corps Engineers, filed a request to add certain lands to their existing withdrawal application. These lands are in addition to those published in the Federal Register, 59 FR 60998, November 29, 1994. The following described public lands are to be withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian

T. 22 S., R. 59 E.,
Sec. 13, SE¼SE¼NW¼, E½NE¼SW¼, and N½NE¼SE¼SW¼.

T. 21 S., R. 60 E.,
Sec. 36, E½SE¼NW¼SE¼, NW¼SE¼NW¼SE¼, and NW¼NE¼SW¼SE¼.

T. 22 S., R. 60 E.,
Sec. 1, NE¼NE¼SE¼NW¼ and NW¼NW¼SW¼NE¼;
Sec. 9, W½NW¼NW¼NW¼, W½SW¼NW¼NW¼, W½NW¼NW¼SW¼, and W½NW¼SW¼SW¼.

The areas described aggregate 70 acres in Clark County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the addition of lands to the proposed withdrawal may present their views in writing to the Nevada State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the addition of lands to the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposal must submit a written request to the Nevada State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a pubic meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

From the date of publication of this notice in the Federal Register, the additional described lands will be segregated until November 29, 1996, as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are rights-of-way, leases, and permits, or discretionary land use authorizations of a temporary nature that do not significantly disturb the surface of the land or impair values of the resources.

The temporary segregation of the additional lands in connection with the withdrawal application shall not affect administrative jurisdiction over the land, and the segregation shall not have the effect of authorizing any use of the land by the Corps of Engineers.

Dated: December 5, 1995.

William K. Stowers,

Lands Team Lead.

[FR Doc. 95–30479 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–HC–P

[NM–070–1430–01; NMNM 92843]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 134.68 acres of public lands in San Juan County to protect the Lee Acres Landfill. This notice closes the land for up to 2 years from surface entry and mining. The lands will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received by March 13, 1996.

ADDRESSES: Comments and meeting requests should be sent to the Farmington District Manager, Bureau of Land Management, 1235 La Plata Hwy., Farmington, New Mexico 87401.

FOR FURTHER INFORMATION CONTACT: Mary Jo Albin, BLM Farmington District Office, 1235 La Plata Hwy., Farmington, NM 87401, (505) 599–6332.

SUPPLEMENTARY INFORMATION: On November 8, 1995, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights.

New Mexico Principal Meridian

T. 29 N., R. 12 W.,

Sec. 21, lots 6 and 7 (everything southeast of County Road #5569);

Sec. 22, lot 5 (everything southeast of County Road #5569); lot 6 W½, lot 11 W½ and lot 12 All;

Sec. 28, lot 2.

The area described contains 138.64 acres in San Juan County.

The purpose of the proposed withdrawal is to protect public health and welfare, and the environment from hazardous materials at the Lee Acres Landfill area.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal, may present their views in writing to the Farmington District Manager of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to Farmington District Manager within 90 days from the date of publication of this notice. Upon a determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are licenses, permits, cooperative agreements or discretionary land use authorizations of a temporary nature, but only with the approval of an authorized officer of the Bureau of Land Management.

Dated: December 5, 1995.

Joel E. Farrell,

Acting District Manager.

[FR Doc. 95–30476 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–FB–P

National Park Service

Development Concept Plan; Final Environmental Impact Statement; Santa Rosa Island; Channel Islands National Park; Record of Decision

Summary: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190 as amended), and specifically to regulations promulgated by the Council on Environmental Quality at 40 CFR 1505.2, the National Park Service, Department of the Interior, has approved a Record of Decision (ROD) for the Santa Rosa Island Development Concept Plan, Final Environmental Impact Statement, Channel Islands National Park, California.

The National Park Service will implement the proposed plan as identified in the Final Environmental Impact Statement, issued in September, 1995.

Copies of the Record of Decision and final environmental impact statement may be obtained from the Superintendent, Channel Islands National Park, 1901 Spinnaker Drive, Ventura, California 93001, or by calling the park at (805) 658–5700.

Dated: December 5, 1995.

Stephen Crabtree,

Field Director, Pacific West Area.

[FR Doc. 95–30409 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF INTERIOR

National Park Service

Indian Memorial Advisory Committee

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a scheduled meeting of the Little Bighorn Battlefield National Monument Advisory Committee (a.k.a. Indian Memorial Advisory Committee). Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: January 05–06, 1996, from 10:00 a.m.–5:00 p.m. on 01/05/96, and 8:00 a.m.–5:00 p.m. on 01/06/96.

ADDRESSES: Holiday Inn—Rushmore Plaza, 505 North 5th Street, Rapid City, South Dakota. (605) 348–4000.

THE AGENDA OF THIS MEETING WILL BE: Introduction/opening remarks, administrivia, minutes from last meeting, discuss follow-up actions from last meeting, review of design competition language/draft text of competition document, set design competition timetable, discuss fund-raising strategy and promotional materials. The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with: Superintendent, Little Bighorn Battlefield National Monument, P.O. Box 39, Crow Agency, Montana 59022, telephone (406) 638–2621. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the Superintendent of Little Bighorn Battlefield National Monument.

SUPPLEMENTARY INFORMATION: The Advisory Committee was established under Title II of the Act of December 10, 1991, for the purpose of advising the Secretary on the site selection for a memorial in honor and recognition of the Indians who fought to preserve their land and culture at the Battle of Little Bighorn, on the conduct of a national design competition for the memorial, and ''* * * to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.''

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Sutteer, Chief, Office of American Indian Trust Responsibilities, Intermountain Field Area Office, National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225–0287, (303) 969–2511.

Dated: December 6, 1995.

Gerard Baker,

Designated Federal Officer, Little Bighorn Battlefield National Monument, National Park Service.

[FR Doc. 95–30410 Filed 12–13–95; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32805]

Southern Pacific Transportation Company—Corporate Family Reorganization Exemption—The Denver and Rio Grande Western Railroad Company

Southern Pacific Transportation Company (SPT) and The Denver and Rio Grande Western Railroad Company

(DRGW),[1] common carriers by railroad, have jointly filed a notice of exemption to exempt a transaction whereby SPT will purchase DRGW's right-of-way, together with adjoining lands and improvements, between (1) DRGW milepost 128.8 at or near Orestod, CO, and DRGW milepost 166.8 at or near Dotsero, CO; (2) DRGW milepost 175.95 at or near Walsenburg, CO, and DRGW milepost 269.72 at or near Monte Vista, CO; (3) DRGW milepost 373.22 at or near Delta, CO, and DRGW milepost 417.83 at or near Oliver, CO; (4) DRGW milepost 603.52 at or near Mounds, UT, and DRGW milepost 17.7 at or near Sunnyside, UT; (5) DRGW milepost 0.00 and DRGW milepost 3.44 near Wellington, UT; (6) DRGW milepost 644.29 at or near Colton, UT, and DRGW milepost 21.57 at or near Clear Creek, UT; (7) DRGW milepost 695.70 at or near Springville Crossover, UT, and DRGW milepost 33.18 at or near Burgin, UT; (8) DRGW milepost 360.91 at or near Glenwood Springs, CO, and DRGW milepost 393.66 at or near Woody Creek, CO; (9) DRGW milepost 373.20 at or near Delta, CO, and DRGW milepost 350.13 at or near Montrose, CO; and (10) DRGW milepost 269.72 at or near Monte Vista, CO, and DRGW milepost 321.0 at or near Creede, CO. DRGW will also grant SPT an easement over the DRGW right-of-way between DRGW milepost 373.45 at or near Delta, CO, and DRGW milepost 424.05 at or near Grand Junction, CO.[2]

The parties state that they intended to consummate these transactions on or after November 13, 1995.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The stated purpose of the transaction is for corporate finance reasons and is intended to result in the prospective reduction of SPT's consolidated income and combined property tax liabilities, thereby improving SPT's financial condition.

As a condition to use of this exemption, any employees adversely affected by this transaction will be protected by conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Louis P. Warchot, Southern Pacific Building, Room 815, One Market Plaza, San Francisco, CA 94105.

Decided: December 8, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–30461 Filed 12–13–95; 8:45 am]

BILLING CODE 7035–01–P

[1] DRGW is within SPT's consolidated group of companies.

[2] DRGW is retaining an easement for rail operations by which DRGW will continue to provide freight rail service over the properties being transferred and easement granted to SPT. Under the purchase and sale agreements entered into by SPT and DRGW, SPT may not commence rail operations over these rail lines without obtaining additional authorization from the Commission.

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Services to Migrant and Seasonal Farmworkers Report and Employment Service Complaint/Referral Record

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of information collection for Services to Migrant and Seasonal Farmworkers Report, Form ETA 5148, and Employment Service Complaint Referral Record, ETA 8429.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before February 12, 1996. Written comments should evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information.

ADDRESSEE: David Webb, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N–4470, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–219–5174 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

As part of the settlement in the case of NAACP v. Secretary of Labor (Civil Action No. 2010–72, U.S.D.C.), the U.S. Department of Labor (DOL) negotiated with the plaintiffs a series of regulations published June 10, 1980. Employment and Training Administration (ETA) regulations at 20 CFR 651, 653, and 658 under the Wagner-Peyser Act as amended by the Job Training Partnership Act, set forth the role and responsibilities of the United States Employment Services (USES) and the State Employment Services Agencies (SESA) regarding compliance of said regulations.

In compliance with 20 CFR 653.109, DOL established recordkeeping requirements to allow for the efficient and effective monitoring of SESAs regulatory compliance.

The ETA Form 8429, Employment Service Complaint Referral Record, is used to collect and document all individual complaints filed under the ES complaint system.

The ETA Form 5148 Services to Migrant and Seasonal Farmworkers Report, is used to collect data which are primarily used to monitor and to measure the extent and effectiveness of ES services to MSFWS as a high priority target group for ES services.

II. Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of

1995 (44 U.S.C. 3506(c)(2)(A)) of an extension to an existing collection of information previously approved and assigned OMB Control No. 1205–0039. There is no change in burden.

Type of Review: Extension.

Agency: Employment and Training Administration, Labor.

Titles: Services to Migrant and Seasonal Farmworkers Report and Employment Service Complaint Referral Record.

OMB Number: 1205–0039.

Frequency: Quarterly and on occasion, respectively.

Affected Public: State governments.

Number of Respondents: 208.

Estimated Cost Per Respondent: No cost to respondent.

Estimated Burden Hours: 5530.

Complaint Log Maintenance

1. Recordkeeping
   Number of recordkeepers—168
   Annual hours per recordkeeper—6.3
   Recordkeepers hours—1,059
2. Processing ETA Form 8429
   Annual number of forms—2,520
   Minutes per form—8
   Processing hours—327

Outreach Log

1. Recordkeeping
   Number of recordkeepers—150
   Annual hours per recordkeeper—26
   Recordkeepers hours—3,900
2. Data Collection/Reporting ETA 5148
   Annual number of reports—208
   Minutes per report—70
   Recordkeeping hours—244

Comments submitted in response to this notice will be summarized and/or included in the request for Office Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 8, 1995.

John M. Robinson,

Deputy Assistant Secretary, Employment Training Administration.

[FR Doc. 95–30481 Filed 12–13–95; 8:45 am]

BILLING CODE 4510–30–M

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Forms for Agricultural Recruitment System

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the information collection of the Agricultural and Food Processing Clearance Order, Form ETA–790, Agricultural and Food Processing Clearance Memorandum, Form ETA–795, Migrant Worker Itinerary, Form ETA–785, and Job Service Manifest Record, Form ETA–785A.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before February 12, 1996. Written comments should evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESS: David L. Webb, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N–4470, 200 Constitution Avenue, NW., Washington, DC 20210, 202–219–5174 (this is not a toll-free number).

I. Background

The Migrant and Seasonal Farmworker regulations at 20 CFR 653.500 establish procedures for agricultural clearance activity. Federal regulations at 20 CFR 653.501 (f) (1) require all local offices to use the interstate clearance forms, as prescribed by ETA.

Local and State Employment offices use the Agricultural and Food Processing Clearance Order to extend job orders beyond their jurisdictions. Applicant holding local offices use the Agricultural Clearance Memorandum to give notice of action on a clearance order, request additional information, report results, and to accept or reject the extended job order. State agencies use the Migrant Worker Itinerary to transmit employment and supportive service information to labor-demand areas, and to assist migrant workers in obtaining employment. The Job Service Manifest Record shows names, addresses, and characteristics of all people named on the Migrant Worker Itinerary.

II. Current Actions

This is a request for OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 (c) (2) (A) of an extension to an existing collection of information previously approved and assigned OMB Control No. 1205–0134. There is no change in burden.

Type of Review: Extension.

Agency: Employment and Training Administration, Labor.

Titles: Agricultural and Food Processing Clearance Order, Agricultural Clearance Memorandum, Migrant Worker Itinerary, and Job Service Manifest Record.

OMB Number: 1205–0134.

Frequency: On occasion.

Affected Public: Individuals and households, employers, and State Governments.

Number of Respondents: 52.

Estimated Time Per Respondent:

Form	Volume per year	Hours per response
ETA–790	2,000	1.0
ETA–795	3,000	.5
ETA–785	3,500	.5
ETA–785A	2,500	.5

Total Estimated Cost: None.

Total Burden Hours:

Form	Hours per year
ETA–790	2,000
ETA–795	1,500
ETA–785	1,750
ETA–785A	1,250
Total	6,500

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the

information collection request; they will also become a matter of public record.

Dated: December 8, 1995.

John M. Robinson,

Deputy Assistant Secretary, Employment Training Administration.

[FR Doc. 95–30482 Filed 12–13–95; 8:45 am]

BILLING CODE 4510–30–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 94–3 CARP–CD 90–92]

Distribution of 1990, 1991 and 1992 Cable Royalty Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Announcement of the schedule for the proceeding.

SUMMARY: The Copyright Office of the Library of Congress is announcing the schedule for the 180 day arbitration period for the distribution of 1990–92 cable compulsory license royalties, as required by the regulations governing this proceeding.

EFFECTIVE DATE: December 14, 1995.

ADDRESSES: All hearings and meetings for the 1990–92 cable distribution proceeding shall take place in the James Madison Building, Room 414, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel or Tanya Sandros, Copyright Arbitration Royalty Panel Specialist, at: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone:(202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

I. Background

37 CFR 251.11(b) provides that:

> At the beginning of each proceeding, the CARP shall develop the original schedule of the proceeding which shall be published in the Federal Register at least seven calendar days in advance of the first meeting. Such announcement shall state the times, dates, and places of the meetings, the testimony to be heard, whether any of the meetings, or any portion of a meeting, is to be closed, and if so, which ones, and the name and telephone number of the person to contact for further information.

This notice fulfills the requirements of § 251.11(b) for the proceeding for the distribution of cable compulsory license royalties for the years 1990–92.

On December 15, 1994, the Copyright Office published a notice in the Federal Register requesting comment as to the existence of controversies to the distribution of the 1990 cable royalty fund. 59 FR 64714 (December 15, 1994). In response to this notice, copyright owners identified the existence of controversies for distribution of the 1990 fund, as well as the 1991 and 1992 funds. The copyright owners requested that the Office consolidate the 1990–92 funds into a single distribution proceeding.

On March 21, 1995, the Office published a notice consolidating the 1990–92 cable royalty distribution proceedings into a single proceeding, and announced the precontroversy discovery schedule. 60 FR 14971 (March 21, 1995). The Office also announced in that notice that controversies to the 1990–92 would be declared, and arbitration initiated, on November 17, 1995. 60 FR 14975. The parties, however, filed a motion with the Office on November 8, 1995, requesting a deferment of the commencement date until December 29, 1995. In response to this motion, the Copyright Office issued an Order which set December 4, 1995, as the new initiation date. Order, dated November 13, 1995.

On November 28, 1995, the Office announced the initiation of the 180 day arbitration period, pursuant to 37 CFR 251.72; the names of the arbitrators who will preside at the 1990–92 cable distribution proceeding; a delay of the initiation of the proceedings until December 4, 1995; and the date, time and place of the initial meeting of the proceeding. 60 FR 58680 (November 28, 1995).

This notice announces the present schedule for the entire proceeding.

II. The Schedule for the Cable Distribution Proceeding

The parties to this proceeding jointly proposed a preliminary schedule for the upcoming hearings to the Copyright Office on November 17, 1995. The Copyright Office, in turn, passed the proposed schedule to the arbitrators for their comments and approval. In response to a request from the arbitrators, the Joint Sports Claimants agreed to shorten their direct case, and rescheduled two of their witnesses for the rebuttal phase of the proceeding. Likewise, the National Association of Broadcasters agreed to conclude their case no later than December 20, 1995. Further refinements to the proposed schedule were made at the meeting on December 4, 1995. This schedule was finalized in an Order issued by the CARP panel. *See* CARP Order, dated December 8, 1995. Thus, the hearing will proceed according to the following schedule:

Presentation of Direct Cases

Joint Sports Claimants
December 5–December 14, 1995
National Association of Broadcasters
December 14–December 20, 1995
Program Suppliers
December 20, 1995–January 12, 1996
Public Broadcasting
January 16–January 19, 1996
Devotional Claimants
January 22–January 26, 1996
Canadian Claimants
January 29–February 2, 1996
Deadline for Filing Written Rebuttal Cases
February 7, 1996
Deadline for Serving Requests for Underlying Documents Related to Rebuttal Cases
February 9, 1996
Deadline for Responses to Requests for Underlying Documents
February 13, 1996
Deadline for Producing Documents
February 15, 1996
Deadline for Filing any Motions Related to Rebuttal Cases
February 15, 1996
Deadline for Filing any Oppositions to Motions
February 20, 1996
Presentation of Rebuttal Cases
February 27–March 15, 1996
Deadline for Filing Proposed Findings of Fact & Conclusions of Law
April 5, 1996
Deadline for Filing Responses to Proposed Findings of Fact & Conclusions of Law
April 17, 1996
Close of 180 day period
June 1, 1996

At this time, the parties have not moved to close any portion of the proceeding to the public. Further refinements to the schedule will be announced in open meetings and issued as orders to the parties participating in the proceeding; and all changes will be noted in the docket file of the proceeding, as required by the Copyright Office regulations governing the administration of CARP proceedings. 37 CFR 251.11(c).

III. Publication of the Original Schedule on Short Notice

The regulations require that the Copyright Office publish the original schedule for the CARP proceeding in the Federal Register at least seven calendar days in advance of the first meeting. 37 CFR 251.11(b). Pursuant to 37 CFR 251.11(d), however, the arbitrators voted to waive the seven day notice requirement. The results of the

vote on the question, whether the requirement for a seven calendar notice should be waived, are:

The Hon. Mel R. Jiganti, Chairperson—Yes
The Hon. John B. Farmakides—Yes
The Hon. Ronald P. Wertheim—Yes

The arbitrators voted to suspend the notice requirement for several reasons. First, all parties to the proceeding had received notice of the proposed schedule approximately two weeks prior to the initiation of the proceeding. Second, the present schedule, which was fine tuned at the meeting on December 4, 1995, did not significantly alter the schedule initially proposed by the parties. Third, the meeting on December 4, 1995, which marks the commencement of the proceeding, was announced in a Federal Register notice seven calendar days before the meeting. And finally, the arbitrators and the parties anticipate the proceeding will require the full 180 days for hearing the testimony and preparing the decision. For the foregoing reasons, the arbitrators hereby waive the notice requirement, but comply with all substantive requirements of the rule.

Dated: December 11, 1995.

Marilyn Kretsinger,

Acting General Counsel.

[FR Doc. 95–30499 Filed 12–13–95; 8:45 am]

BILLING CODE 1410–33–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Record Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before January 29, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1–AFU–96–1). Routine criminal investigative records.

2. Department of Education, President's Commission on Foreign Language and International Studies (N1–12–95–2). Administrative correspondence and reference files.

3. Department of State (N1–59–95–14). Routine, facilitative, and duplicative records from the Bureau of Economic Affairs, the Legal Adviser, the Bureau of Near Eastern and South Asian Affairs, and the Bureau of Security and Consular Affairs.

4. Department of the Treasury, Office of Thrift Supervision (N1–483–93–12). System activity and ad hoc reports created by the Holding Company Universe System.

5. Administration for Health Care Policy and Research (N1–510–94–1). Comprehensive records schedule.

6. Air Coordinating Committee (N1–220–94–8). Questionnaires, tabulations, and subcommittee records duplicating information in retained ACC records.

7. Bureau of Alcohol, Tobacco, and Firearms (N1–436–95–1). Certificate of Label Approval output records.

8. Federal Trade Commission (N1–122–95–3). Bureau of Economics Fertilizer Investigation Working Files, 1938–80.

9. Social Security Administration (N1–47–96–1). Reduction in retention period for employer reports of wages paid.

10. Tennessee Valley Authority (N1–142–94–3). Records created by the Internal Energy Management Program.

11. Tennessee Valley Authority (N1–142–95–11). TVA Form 13037, Acceptance of indemnification coverage and waiver of claims.

12. The White House Conference on Small Business (N1–220–95–16). Routine correspondence, working papers to publications, anonymous voting ballots, and press coverage documents.

13. United States Information Agency, Office of the General Counsel (N1–306–95–7). Reduction in retention period for records already approved for destruction.

14. United States Information Agency, Bureau of Management (N1–306–95–8). Routine records of the Office of Technology.

Dated: December 5, 1995.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 95–30471 Filed 12–13–95; 8:45 am]

BILLING CODE 7515–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Company, Crystal River Nuclear Generating Plant, Unit 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72 issued to Florida Power Compant (the licensee) for operation of Crystal River Nuclear Generating Plant, Unit 3, located in Citrus County, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would include provisions in Technical Specifications (TS) Section 3.7 which allow for the storage of fuel with an enrichment not to exceed 5.0 w/o U–235 in the new and spent fuel storage racks. The proposed action is in accordance with the licensee's application for amendment dated January 26, 1995, as supplemented March 9, 1995, and May 24, 1995.

The Need for Proposed Action

The proposed changes are needed so that the licensee can use higher fuel enrichment to provide the flexibility of extending the fuel irradiation and to permit operation for longer fuel cycles.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revisions to the TS. The proposed revisions would permit use of fuel enriched to a nominal 5.0 weight percent Uranium 235. The safety considerations associated with reactor operation with higher enrichment and extended irradiation have been evaluated by the NRC staff. The staff has concluded that such changes would not adversely affect plant safety. The proposed changes have no adverse effect on the probability of any accident. The higher enrichment, with fuel burnup to 60,000 megawatt days per metric ton uranium, may slightly change the mix of fission products that might be released in the event of a serious accident, but such small changes would not significantly affect the consequences of serious accidents. No changes are being made in the types or amounts of any radiological effluents that may be released offsite. There is no significant increase in the allowable individual or cumulative occupational radiation exposure.

With regard to potential nonradiological impacts of reactor operation with higher enrichment and extended irradiation, the proposed changes to the TS involve systems located within the restricted area, as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact.

The environmental impacts of transportation resulting from the use of higher enrichment fuel and extended irradiation were published and discussed in the staff assessment entitled, ''NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation,'' dated July 7, 1988, and published in the Federal Register (53 FR 30355) on August 11, 1988. As indicated therein, the environmental cost contribution of the proposed increase in the fuel enrichment and irradiation limits are either unchanged or may, in fact, be reduced from those summarized in Table S–4 as set forth in 10 CFR 51.52(c). Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment.

With regard to potential non-radiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any other alternative would have equal or greater environmental impacts and need not be evaluated.

The principal alternative would be to deny the requested amendments. This would not reduce the environmental impact of plant operations and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to operation of the Crystal River Nuclear Generating Plant, Unit 3.

Agencies and Persons Consulted

In accordance with its stated policy, on November 16, 1995, the NRC staff consulted with the Florida State official, Dr. Lyle Jerrett of the State Office of Radiation Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated January 26, 1995, and supplements to the application dated March 9, 1995, and May 24, 1995. These documents are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the Crystal River Nuclear Generating Station, Unit 3, located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629.

Dated at Rockville, Maryland, this 5th day of December 1995.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–30457 Filed 12–13–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–315 and 50–316]

Indiana Michigan Power Company Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR 73.55 for Facility Operating License Nos. DPR–58 and DPR–74, issued to Indiana Michigan Power Company, (the licensee), for operation of the D.C. Cook Nuclear Plant, Units 1 and 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the licensee from certain requirements

of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.'' The proposed action would allow implementation of a hand geometry biometric system of site access control such that photograph identification badges can be taken off site.

This environmental assessment has been prepared to address potential environmental issues related to the licensee's application of August 17, 1995.

The Need for the Proposed Action

Pursuant to 10 CFR 73.55, paragraph (a), the licensee shall establish and maintain an onsite physical protection system and security organization.

Paragraph (1) of 10 CFR 73.55(d), ''Access Requirements,'' specifies that ''licensee shall control all points of personnel and vehicle access into a protected area.'' It is specified in 10 CFR 73.55(d)(5) that ''A numbered picture badge identification system shall be used of all individuals who are authorized access to protected areas without escort.'' It also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual ''receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area. * * *''

Currently, unescorted access into the protected areas of the Cook Nuclear Plant is controlled through the use of a photograph on a combination badge and keycard. (Hereafter, these are referred to as badges). The security officers at the entrance station use the photograph on the badge to visually identify the individual requesting access. The badges for both licensee employees and contractor personnel who have been granted unescorted access are issued upon entrance at the entrance/exit location and are returned upon exit. The badges are stored and retrievable at the entrance/exit location. In accordance with 10 CFR 73.55(d)(5), contractor individuals are not allowed to take badges off site. In accordance with the plant's physical security plans, neither licensee employees nor contractors are allowed to take badges off site.

The licensee proposes to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve badges at the entrance/exit location and would allow all individuals with unescorted access to keep their badges with them when departing the site.

An exemption from certain requirements of 10 CFR 73.55(d)(5) is required to permit contractors to take their badges off site instead of returning them when exiting the site.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed exemption would not increase the probability or consequences of accidents previously analyzed and the proposed exemption would not affect facility radiation levels or facility radiological effluents. Under the proposed system, each individual who is authorized for unescorted entry into protected areas would have the physical characteristics of their hand (hand geometry) registered with their badge number in the access control system. When an individual enters the badge into the card reader and places the hand on the measuring surface, the system would record the individual's hand image. The unique characteristics of the extracted hand image would be compared with the previously stored template to verify authorization for entry. Individuals, including licensee employees and contractors, would be allowed to keep their badges with them when they depart the site.

Based on a Sandia report entitled ''A Performance Evaluation of Biometric Identification Devices'' (SAND91—0276, UC—906 Unlimited Release, printed June 1991), and on its experience with the current photo-identification system, the licensee stated that the false acceptance rate of the proposed hand geometry system is comparable to that of the current system. The licensee stated that the use of the badges with the hand geometry system would increase the overall level of access control. Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge off site, would not enable an unauthorized entry into protected areas. The licensee will implement a process for testing the proposed system to ensure continued overall level of performance equivalent to that specified in the regulation. The Physical Security Plan for D.C. Cook will be revised to include implementation and testing of the hand geometry access control system and to allow licensee employees and contractors to take their badges off site.

All other access processes, including search function capability and access revocation, will remain the same. A security officer responsible for access control will continue to be positioned within a bullet-resistant structure. A numbered picture badge identification system will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. The proposed system is only for individuals with authorized unescorted access and will not be used for individuals requiring escorts.

The change will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for D.C. Cook, Units 1 and 2, dated August 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on November 20, 1995, the NRC staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Public Health, Nuclear Facilities and Environmental Monitoring, regarding the environmental impact of the proposed

action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated August 17, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 1st day of December 1995.

For the Nuclear Regulatory Commission.

John B. Hickman,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–30456 Filed 12–13–95; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (American Eco Corporation, Common Stock, No Par Value) File No. 1–10621

December 8, 1995.

American Eco Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, its Board of Directors approved resolutions on September 14, 1995 to withdraw the Security from listing on the Amex and instead, to list the Security on the National Association of Securities Dealers Automated Quotations National Market System (''Nasdaq/NMS''). The NASD approved the Company's application for initial inclusion on the Nasdaq/NMS on November 3, 1995.

The decision of the Board followed a thorough study of the matter and was based upon the belief that listing the Security on the Nasdaq/NMS will be more beneficial to the Company's shareholders than the present listing on the Amex for the following reasons:

(a) The Company believes that the Nasdaq/NMS system of competing market makers will result in increased visibility and sponsorship for the Security than is presently available on the Amex;

(b) The Company believes that the Nasdaq/NMS system will offer the Company's shareholders more liquidity than is presently available on the Amex and less volatility in quoted prices for share when trading volume is slight;

(c) The Company believes that the Nasdaq/NMS system will offer an opportunity for the Company to secure its own group of market makers and to expand the capital base available for trading in the Security; and

(d) The Company believes that the firms making a market in the Security on the Nasdaq/NMS system will also be inclined to issue research reports concerning the Company, thereby increasing the number of firms providing institutional research and advisory reports.

Any interested person may, on or before January 2, 1996 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–30421 Filed 12–13–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21587; No. 812–9156]

Safeco Life Insurance Company, et al.

December 7, 1995.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (''1940 Act'').

APPLICANTS: Safeco Life Insurance Company (''SAFECO'') and Separate Account SL (''Separate Account'').

RELEVANT 1940 ACT SECTION: Order requested under Section 26(b) of the 1940 Act.[1]

SUMMARY OF APPLICATION: Applicants seek an order authorizing the substitution of shares of certain portfolios of the Variable Insurance Products Fund and the Variable Insurance Products Fund II (''VIP Trusts'') for shares of certain portfolios of The Hudson River Trust (''Hudson Trust'') currently held by the Separate Account.

FILING DATE: The application was filed on August 10, 1994, and amended on September 6, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on December 27, 1995, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, c/o Leslie Harrison, Counsel, SAFECO Life Insurance Company, P.O. Box 34690, Seattle, Washington 98124–1690.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Assistant Special Counsel, or Brenda Sneed, Assistant Director, Division of Investment Management (Office of Insurance Products), at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. SAFECO is a stock life insurance company licensed to sell insurance and

[1] Applicants represent that they will amend the application during the notice period to make this representation.

annuities in the District of Columbia and all states except New York. SAFECO is a wholly-owned subsidiary of SAFECO Corporation, a holding company.

2. *Separate Account.* The Separate Account was established by SAFECO and registered under the 1940 Act as a unit investment trust for the purpose of funding certain flexible premium variable life insurance contracts (''Contracts''). The Contracts have been registered under the Securities Act of 1933.[2] The Separate Account currently has fourteen Investment Divisions (''Investment Divisions''), each investing exclusively in the shares of a corresponding portfolio of the Hudson Trust or the VIP Trusts.

3. *The Hudson Trust.* The Hudson Trust is registered under the 1940 Act as an open-end management investment company. The Hudson Trust currently issues twelve series of shares of beneficial interest, each representing a separate investment portfolio. Each Hudson Trust portfolio is a separate open-end diversified management investment company. Shares of six of the twelve Hudson Trust portfolios [3] currently are held by the Separate Account. Alliance Capital Management L.P. (''Alliance'') is the manager and investment adviser to the Hudson Trust portfolios. Alliance is an investment adviser registered under the Investment Advisers Act of 1940. Alliance, a publicly-traded Delaware limited partnership, is indirectly owned by Equitable Life Assurance Society of the United States (''Equitable''). Equico Securities, Inc. (''Equico''), a wholly-owned subsidiary of Equitable, is the principal underwriter of the Hudson Trust.

4. *The VIP Trusts.* The VIP Trusts are registered under the 1940 Act as open-end management investment companies. The VIP Trusts currently are issuing ten series of shares of beneficial interest, each representing a separate investment portfolio (''VIP Trust Portfolios''). Each VIP Portfolio is an open-end, diversified management investment company. Fidelity Management & Research Company (''FMR''), the manager of the VIP Trusts, is an investment adviser registered under the Investment Advisers Act of 1940. FMR is indirectly owned by FMR Corporation, a holding company for the Fidelity companies.

5. *The Contracts.* The Contracts provide for minimum initial premium payments and additional subsequent payments. Net premium payments are allocated to the Investment Divisions and to the Guaranteed Interest Division, a part of SAFECO's General Account. Twelve transfers of Contract account value are permitted in a Contract year, without charge; thereafter, a maximum charge of $25 may be imposed for each additional transfer. The current transfer fee of $25 will be allocated equally among the Investment Divisions from which the requested amounts were transferred.

a. *Sales Loads.* The Contracts provide for the deduction of: (1) a 3% sales charge from each premium payment, and (2) a deferred sales charge (''Surrender Charge'') from Contract account value if the Contract is partially or fully surrendered in the first ten Contract years. The Surrender Charge is equal to the lesser of: (1) a percentage of the maximum premium for the Contract as follows:

Contract year	Percentage of maximum premium
1 through 6	47.0
7	37.0
8	29.2
9	18.8
10	9.4

or (2) an amount equal to (A) minus (B) where (A) is 27% of the premium payments received during the first Contract year up to the maximum premium for the Contract, plus 6% of all other premium payments received to the time of surrender, and (B) is the amount of any pro rata Surrender Charge previously made under the Contract. A request for a decrease in face amount of insurance is considered to be a partial surrender subject during the first ten contract years to the pro rata deduction of the Surrender Charge from contract account value. An increase in face amount followed by a decrease in face amount will be subject to the deduction of a Surrender Charge only on the amount of decrease below the original face amount of insurance.

b. *Right of Substitution.* Under the Contracts, SAFECO has reserved the right to substitute shares of another mutual or portfolio within the Hudson Trust or the VIP Trusts if share of the Hudson Trust or the VIP Trusts (or any portfolio thereof) become unavailable for investment by the Separate Account, or if in SAFECO's judgment further investment in such shares becomes inappropriate in view of the purposes of the Contracts, subject to applicable state and federal securities laws.

c. *Administration.* SAFECO has primary responsibility for all administration of the Contracts and the Separate Account. Currently, Financial Administrative Services, Inc. (''FAS'') (formerly, Fleet Administrative Services, Inc.) has been retained by SAFECO to provide administrative services to SAFECO and its contract owners. FAS is indirectly owned by Phoenix Home Life Mutual Insurance Company (''Phoenix Home Life'').[4] Prior to September, 1994, SAFECO had retained Integrity Life Insurance Company (''Integrity''),[5] the principal underwriter for the Hudson Trust, to provide such administrative services, including use of the Hudson Trust as the underlying funding vehicle for the Contracts.[6] On September 30, 1991, the Distribution Agreement between the Hudson Trust and Integrity was terminated.[7] Accordingly, investment in Hudson Trust Portfolios has been restricted to Contracts sold prior to September 30, 1991 (''Pre-September 30 Contracts''). The Hudson Trust no longer is available as an investment option under Contracts sold after September 30, 1991 (''Post-September 30 Contracts''). Consequently, the VIP Trusts were selected as investment alternatives for the variable life programs administered by Integrity.

6. *Proposed Transactions.* Applicants now propose to substitute shares of five VIP Trusts Portfolios for shares of six Hudson Trust Portfolios (''Substitution''). The Portfolios and their investment objectives as stated in their respective prospectuses are as follows:

a. *Shares of the VIP Trusts Money Market Portfolio will be substituted for shares of the Hudson Trust Money Market Portfolio.* The VIP Trusts Money Market Portfolio's investment objective is to seek as high a level of current income as is consistent with preserving

[2] Applicants incorporate by reference the registration statement for the Contracts (File No. 33–10248).

[3] The Hudson Trust Portfolios in which the Separate Account invests include: the Common Stock, Money Market, Balanced, Aggressive Stock, High Yield, and Global Portfolios.

[4] On December 31, 1993, FAS was acquired from Fleet Financial Group by P.M. Holdings, Inc., a holding company owned by Phoenix Home Life.

[5] On November 26, 1993, Integrity was acquired by ARM Financial Group, Inc., a financial services holding company, from The National Mutual Life Association of Australasia, Ltd. (''Australasia''), an Australian life insurance company. Prior to its acquisition in 1988 by Australasia, Integrity had been a wholly-owned subsidiary of Equitable.

[6] At that time, the Hudson Trust was managed by a SAFECO affiliate, which SAFECO believed would assure good service between the administrator and the fund manager.

[7] Under its terms, the Distribution Agreement would continue in effect until September 30, 1991, and thereafter only if reapproved by a majority of independent Trustees of the Hudson Trust. The Trustees did not continue the Distribution Agreement after September 30, 1991.

capital and providing liquidity by investing only in high quality U.S. dollar denominated money market securities of domestic and foreign issuers. The Hudson Trust Money Market Portfolio's investment objective is to obtain a high level of current income, preserve its assets and maintain liquidity by investing primarily in high quality U.S. dollar denominated money market instruments.

b. *Shares of the VIP Trusts Growth Portfolio will be substituted for shares of: (1) The Hudson Trust Common Stock Portfolio; and (2) the Hudson Trust Aggressive Stock Portfolio.* The VIP Trusts Growth Portfolio's investment objective is to achieve capital appreciation by investing in common stocks, as well as bonds, preferred stocks, and high-yielding, lower-rated debt securities and foreign securities. The Hudson Trust Common Stock Portfolio's investment objective is to achieve long-term growth of its capital and increased income by investing primarily in common stocks and other equity-type instruments. The Hudson Trust Aggressive Stock Portfolio's investment objective is to achieve long-term growth of capital by investing primarily in common stocks and other equity-type securities issued by quality small and intermediate sized companies with strong growth prospects and in covered options on those securities.

c. *Shares of the VIP Trusts Asset Manager Portfolio will be substituted for shares of the Hudson Trust Balanced Portfolio.* The VIP Trusts Asset Manager Portfolio's investment objective is to seek high total return with reduced risk over the long-term by allocating its assets among domestic and foreign stocks, bonds and short-term, fixed-income instruments. The Hudson Trust Balanced Portfolio's investment objective is to achieve a high return through both appreciation of capital and current income by investing in a diversified portfolio of publicly traded equity and debt securities and short-term money market instruments.

d. *Shares of the VIP Trusts High Yield Portfolio will be substituted for shares of the Hudson Trust High Yield Portfolio.* The VIP Trusts High Yield Portfolio's investment objective is to seek a high level of current income by investing primarily in high-yielding, lower-rated, fixed income securities, while also considering growth of capital. The Hudson Trust High Yield Portfolio's investment objective is to achieve high return by maximizing current income and, to the extent consistent with that objective, capital appreciation by investing primarily in a diversified mix of high yield, fixed income securities involving greater volatility of price and risk of principal and income than high quality fixed income securities. The medium and lower quality debt securities in which the High Yield Portfolio may invest are known as ''junk bonds.''

e. *Shares of the VIP Trusts Overseas Portfolio will be substituted for shares of the Hudson Trust Global Portfolio.* The VIP Trusts Overseas Portfolio's investment objective is to seek long-term growth of capital primarily through investments in foreign securities. The Hudson Trust Global Portfolio's investment objective is to achieve long-term growth of capital by investing primarily in equity securities of non-United States companies as well as United States issuers.

Applicants assert that the investment objectives and policies of each of the VIP Trusts Portfolios which are to be substituted and the Hudson Trust Portfolios to be substituted are similar, except for the Hudson Trust Aggressive Stock Portfolio and the VIP Trusts Growth Portfolio. Applicants represent that the VIP Trusts Growth Portfolio's investments are all permissible investments of the Hudson Trust Aggressive Stock Portfolio. However, the Aggressive Stock Portfolio permits certain additional investments[8] that are not allowed under the investment policy of the Growth Portfolio. Nevertheless, Applicants submit that Contract owners are seeking long-term growth when they invest in either the Growth Portfolio or the Aggressive Stock Portfolio, that this goal can be achieved by investment in either Portfolio, and that the differences between investment policies are non-material to achievement of these investment goals.

7. *Additional Investments Options.* In addition to the five VIP Trusts Portfolios which are to be substituted for the six Hudson Trust Portfolios, Contract owners will be able to invest in the five additional VIP Trusts Portfolios:

a. *Investment Grade Bond Portfolio,* which seeks high current income by investing primarily in fixed-income obligations of all types by investing at least 65% of its total assets in investment-grade, fixed income securities, such as bonds, notes and debentures.

b. *Asset Manager Growth Portfolio,* which seeks to maximize total return over the long term by allocating its assets among three classes, or types of investments: (1) stock class, consisting of equity securities of all types; (2) bond class, including all varieties of fixed-income instruments with maturities of more than three years; (3) short-term class, including all types of short-term instruments with remaining maturities of three years of less. Applicants state that the difference between this Portfolio and the VIP Trusts Asset Manager Portfolio is the percentage allocation to these three classes of investment.

c. *Equity Income Portfolio,* which seeks reasonable income by investing primarily in income producing equity securities. The Portfolio normally invests at least 65% of its total assets in these securities.

d. *Index 500 Portfolio,* which seeks to match the total return of the S&P 500 while keeping expenses low. The Portfolio normally invests at least 80% (65% if Portfolio assets are below $20 million) of its assets in equity securities of companies that comprise the S&P 500.

e. *Contrafund Portfolio,* which seeks capital appreciation by investing in companies that are believed to be undervalued due to an overly pessimistic appraisal by the public.

8. *Advisory Fees—Hudson Trust Portfolios.* Advisory fees are payable by the Hudson Trust Portfolios at the following annual percentages of values of each Portfolio's average daily net assets:

Portfolio	Daily average net assets		
	First $350 million (percent)	Next $400 million (percent)	Over $750 million (percent)
a. Money market			
b. Balanced	.400	.375	.350
c. Common Stock			
d. Aggressive Stock	.500	.475	.450
e. High Yield			
f. Global	.550	.525	.500

9. *Management Fees—VIP Trust Portfolios.* The management fee for each VIP Trusts Portfolio (excluding the Money Market Portfolio) is calculated by adding a group fee rate to an individual fund fee rate, and multiplying the result by each Portfolio's average net assets. The group fee rate is based on the average net assets of all the mutual funds advised by FMR and can not exceed certain maximum rates. The Management fee for the Money market Portfolio is calculated by multiplying the sum of

[8] The Aggressive Stock Portfolio may invest in foreign securities, write covered call options, purchase call and put options on individual equity securities, security indexes and foreign currencies, and purchase and sell stock index and foreign currency future investments and options thereon.

three components (group fee rate, which drops as total assets under management increase, individual fee rate and an income component)[9] by the fund's average net assets.

Portfolio	Maximum group fee rate (percent)	For 12/31/94 group fee rate (percent)	Individual fee rate (percent)
Money Market ...	0.37	0.1563	0.03
Growth[10]	0.52	0.3191	0.30
Asset Manger[11]	0.52	0.3191	0.40
High Income	0.37	0.1563	0.45
Overseas	0.52	0.3191	0.45

[10] FMR has directed certain portfolio trades of the Growth Portfolio to brokers who paid a portion of the Portfolio's expenses. For the period ending December 31, 1994, the Portfolio's expenses were reduced by $204,452.

[11] FMR directed certain portfolio trades to brokers who paid a portion of the Asset Manager Portfolio's expenses. For the period ended December 31, 1994, the expenses of the Asset Manager Portfolio were reduced by $131,585 under this arrangement.

10. *Sub-Advisory Agreements—VIP Trusts Portfolios.* FMR, the manager of the VIP Trusts, has entered into various sub-advisory agreements for research, investment advice and portfolio management services. FMR has entered into sub-advisory agreements with Fidelity Management & Research (UK), Inc. (''FMR UK'') and Fidelity Management & Research (Far East), Inc. (''FMR Far East'') on behalf of the VIP Trusts High Income and Asset Manager Portfolios. FMR also has entered into sub-advisory agreements with FMR U.K., FMR Far East and Fidelity International Investment Advisers (''FIIA'') on behalf of the VIP Trusts Overseas Portfolio; FIIA, in turn, has entered into a sub-advisory agreement with its wholly-owned subsidiary Fidelity International Investment Advisors (U.K.) Limited (''FIIAL UK''). FMR has entered into a sub-advisory agreement with FMR Texas, Inc. (''FMR Texas'') on behalf of the VIP Trusts Money Market Portfolio. Under these sub-advisory agreements, FMR pays the fees of FMR UK, FMR Far East, FMR Texas and FIIA. FIIA, in turn, pays the fees of FIIAL UK.

a. For providing investment advice and research services, the sub-advisors are compensated as follows: (1) FMR pays FMR U.K. and FMR Far East fees equal to 110% and 105%, respectively, of their costs; (2) FMR pays FIIA 30% of its monthly management fee with respect to the average market value of investments held by the fund for which FIIA has provided FMR with investment advice; and (3) FIIA pays FIIAL UK a fee equal to 100% of its costs.

b. For providing investment management services, the sub-advisors are compensated as follows: (1) FMR pays FMR UK, FMR Far East and FIIA 50% of FMR's monthly management fee with respect to the fund's average net assets managed by the sub-advisor on a discretionary basis; (2) FIIA pays FIIAL UK 100% of its costs; and (3) FMR pays FMR Texas a fee equal to 50% of the management fee payable to FMR under its management contract with the Money Market Portfolio.

11. The following table indicates the amount of assets that were invested in Hudson River Trust Portfolios at the year ended December 31:

	As of 12/31/94	As of 12/31/93	As of 12/31/92	As of 12/31/91	As of 12/31/90
Total Contracts	2,785	1,655	765	357	237
Invested in Hudson Trust	308				

Portfolio	Assets 12/31/94	Assets 12/31/93	Assets 12/31/92	Assets 12/31/91	Assets 12/31/90
Common Stock	$1,011,187	$1,114,766	$1,053,292	$992,549	$437,830
Money Market	376,959	427,557	69,058	145,332	34,025
Balanced	60,865	97,035	108,132	59,470	13,598
Aggressive	68,285	108,403	176,348	141,097	13,361
High Yield	21,162	293,199	275,997	11,819	10,003
Global	154,454	113,683	32,276	25,518	7,377

Proposed Transactions

1. Transactions to implement the proposed Substitution of shares of five VIP Trusts Portfolios for shares of six Hudson Trust Portfolios will take place both at the Separate Account level and at the underlying Fund level.

a. *Separate Account Level.* At the Separate Account level, the Substitution will result in a transfer of Contract account values from one Separate Account Division to another. On the day of the Substitution, SAFECO will determine the Contract account values held in the Investment Divisions which invest in the Hudson Trust Portfolios, redeem those units of interest, purchase units of the Investment Division which invests in the corresponding VIP Trusts Portfolio and credit those units to the Contract. Contract account value will be identical immediately before and after the Substitution. The number of units held in the Contract, however, may vary to reflect the difference in unit values of the various Investment Divisions. All unit values will be valued at the next computed value in a manner consistent with Rule 22c–1 under the 1940 Act.

b. *Fund Level.* On the day of the Substitution, all shares held by the Separate Account in the Hudson Trust will be redeemed and, contemporaneously, an amount equal to the cash proceeds of the redemption will be used to purchase shares of the corresponding VIP Trusts Portfolios.[12] All shares will be purchased and redeemed at prices based on the current net asset values per share next computed after receipt of the redemption request and in a manner consistent with Rule 22c–1 under the 1940 Act.

2. Applicants represent that Contract owners invested in the Hudson Trust have been sent a Supplement to the Hudson Trust Prospectus which

[9] The income component is 6% of gross income in excess of 5% yield and can not rise above 0.24% of the average net assets.

[12] SAFECO, on behalf of the Separate Account, will make a request for redemption of all Hudson Trust shares. Due to the time needed to process the redemption request, a delay in payment of the cash redemption proceeds is anticipated. Thus, SAFECO will advance an amount in cash equivalent to the redemption proceeds amount, which will be used to purchase VIP Trusts Portfolio shares. Contract account values which were held in Hudson Trust Portfolios will remain fully vested. Subsequently, the Hudson Trust will pay the cash redemption proceeds to SAFECO. No cash will be distributed to Contract owners unless, incidently, a Contract owner requests a surrender.

explains the proposed Substitution, the anticipated change in SAFECO's administrative support system, and the right to elect to transfer Contract account value to the VIP Trusts. Applicants further represent that a notice has been sent to Contract owners informing them of the new administrator and the new administrative system. If the Commission issues an order regarding the proposed Substitution, a second notice, accompanied by a current prospectus for the VIP Trusts, will be sent to Contract owners informing them of the Commission's order and the proposed date of the Substitution. A third notice will be mailed to each affected Contract owner within five days after the Substitution has been effected confirming that the Substitution has been completed and reflecting the transfer of Contract account values from the Hudson Trust Investment Divisions to the VIP Trusts Investment Divisions. Affected Contract owners will have a period of 30-days after the date of the mailing of the third notice and confirmation of Substitution to exercise the right to make a one-time transfer of Contract account values to any other Division, including the Guaranteed Interest Division, without charge and without the transfer counting as one of the free transfers permitted in a Contract year.

3. All administrative or other transaction costs, except brokerage costs, will be borne by SAFECO. The proposed Substitution will not result in adverse tax consequences to Contract owners, the Separate Account or SAFECO. The Substitution will not result in a change in Contract provisions or alter SAFECO's contractual obligations under the Contracts.

Applicants' Legal Analysis

1. The Applicants request that the Commission issue an order under Section 26(b) of the 1940 Act to the extent necessary to permit the substitution of shares of the VIP Trusts Portfolios for the shares of the Hudson Trust Portfolios currently held by the Separate Account.[13] Thereafter, the VIP Trusts Portfolios will be eligible funding vehicles for the Contracts, including the Pre-September 30 Contracts.

2. Section 26(b) of the 1940 Act prohibits a depositor or trustee of a registered unit investment trust holding the securities of a single issuer from substituting another security for such security unless the Commission approves the substitution, finding that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

3. SAFECO represents that the Substitution is in the best interests of Contract owners. The Hudson Trust is the only permitted investment option for SAFECO's approximately 308 Pre-September 30 Contracts, which are expected to decrease in the ordinary course of events and, therefore, become more costly and less efficient to administer.[14]

4. Applicants represent that the Contract provides for both guaranteed rates of insurance and current rates of insurance. Under the Contract, the current rates of insurance cannot exceed the guaranteed rate and usually is less. Applicants represent that state insurance laws require SAFECO to establish current rates of insurance that reasonably anticipate future expenses. Accordingly, SAFECO periodically restates its rates of insurance to take into account all expenses incurred in its insurance business. To the extent that expenses reasonable can be reduced, all Contract owners will benefit to the extent to improve current insurance rates. Conversely, insurance rates may increase if expenses increase.

5. Applicants further represent that the additional support provided by the Manager of the VIP Trusts of life insurance companies and their separate accounts (''Participating Companies'') by way of fund information is helpful in the sales process and to existing Contract owners as they periodically review their investment decisions. Applicants submit that this support will benefit Contract owners by helping SAFECO enhance Contract size in this product line and keep costs down.

6. Applicants represent that the Hudson Trust no longer is available to new Participating Companies and to new Contract owners of existing Participating Companies, including SAFECO. As a result, the Hudson Trust is not an investment alternative for SAFECO's Contract owners. SAFECO submits that a substitution of the VIP Trust Portfolios for the corresponding Hudson Trust Portfolios would provide more investment opportunities for its Contract owners because the VIP Trusts continuously offer their shares to Participating Companies with an expanding asset base and distribution outlets.

7. Applicants represent that currently, six Hudson Trust Portfolios are available under the Contracts. Applicants further represent that ten VIP Trusts Portfolios are available under the non-Hudson Trust Contracts. The VIP Trusts are intended to fund variable life insurance and variable annuity contracts offered by Participating Companies. Currently, there are in excess of 40 Participating Companies that have elected to use the VIP Trusts as funding vehicles for their variable contracts. Applicants submit that this is a significant distribution outlet for VIP Trusts shares which will result in an expanding asset base for the VIP Trusts and a concomitant reduction in the per share management fees and other expenses and, thus, greater economies of scale.

8. Applicants represent that a comparison of the relative asset sizes of the Hudson Trust and the comparable VIP Trusts Portfolios for the year ended December 31, 1994, indicates that in all cases, except for the Hudson Trust Common Stock Portfolio (which commenced operations on June 16, 1975) compared with the VIP Trusts Growth Portfolio (which commenced operations on October 9, 1986), the corresponding VIP Trusts Portfolio has a larger asset base.

9. Applicants further represent that a comparison of expense ratios for the period ended December 31, 1994, shows that there has been a steady decline in expense ratios of all Portfolios. The VIP Trusts Portfolios have shown a greater decrease; however, on average, the Hudson Trust Portfolios have lower expense ratios.

10. Applicants assert that the performance of the VIP Trusts Portfolios is comparable to or better than the comparable Hudson Trust Portfolios. For example, a comparison of the five year average total return shows that the VIP Trusts Portfolios exceed the total return for the corresponding Hudson Trust Portfolios in four of the six Portfolios: (a) VIP Trusts Money Market Portfolio (5.09%) compared to Hudson Trust Money Market Portfolio (4.98%); (b) VIP Trusts Asset Manager Portfolio (10.71%) compared to Hudson Trust Balanced Portfolio (7.29%); (c) VIP Trusts Growth Portfolio (10.88%) compared to Hudson Trust Common Stock Portfolio (9.82%); and (d) VIP Trusts High Income Portfolio (14.01%) compared to Hudson Trust High Yield Portfolio (10.60%). With respect to the

[13] Applicants state that to the extent that any aspect of the Substitution may be deemed to require approval under Section 11 of the 1940 Act, they intend to rely on the exemptive provisions of Rule 11a–2 under the 1940 Act.

[14] Overhead expenses associated with maintaining investments in the Hudson Trust include costs for determining and maintaining the daily unit values, preparation and mailing to Contract owners of annual and semi-annual reports, proxy statements and other mailings, preparation of performance information, maintenance of bank accounts, reconciliations and other accounting and banking costs associated with the underlying fund.

other two Portfolios, the Hudson Trust Aggressive Stock Portfolio had an exceptional return of 86.87% in 1991, and in the other case the VIP Trusts Overseas Portfolio experienced a significant loss in 1992 (10.72%) when compared to the Hudson Trust Global Portfolio's return (0.50%). Applicants note further that, as of December 31, 1994, the Hudson Trust Contract owners only had $68,285 in the Hudson Trust Aggressive Stock Portfolio and $154,454 in the Hudson Trust Overseas Portfolio. Applicants submit that this demonstrates that performance is comparable or better in the VIP Trusts Portfolios as compared to the Hudson Trust.

11. Applicants state that the Substitution would permit a Contract owner to remain in the VIP Trusts Portfolios or transfer Contract account values to any other available Investment Division or to the Guaranteed Interest Division without cost and without such transfer counting as a transfer for purposes of assessing a transfer fee. Applicants represent that the notice of Substitution provided to Contract owners will inform them of their rights. Accordingly, Applicants submit that the terms of the proposed Substitution are consistent with the purpose underlying Section 26(b) of preventing investors from being forced to forfeit a sales load already deducted or perhaps to incur additional sales loads upon redemption and purchase of another investment company security.

12. Applicants represent that the Substitution will not alter or affect the Contract. All the terms and conditions of the Contract are the same after the Substitution as before, including surrender and transfer rights. Applicants also represent that after the Substitution, insurance benefits to Contract owners and the contractual obligations of SAFECO are exactly the same as before the Substitution. Contract owners will continue to look to SAFEC with regard to their rights under the Contracts. Applicants further represent that no surrender, transfer or other charge will be imposed at the time of the Substitution or for the first transfer made during the 30 day period following mailing of the confirmation and notice.

13. Applicants note that the Commission has approved a number of substitutions where contract owners assets were reinvested in large funds or investment portfolios in order to mitigate the adverse impact of operating expenses on very small asset bases. Such substitutions have been permitted even where the investment objectives, policies and restrictions of the two portfolios involved were not nearly as similar as in this application, including permitting the substitution of money market portfolio shares for the shares of zero coupon bond, real estate securities and bond portfolios. Further, the Commission also has permitted a substitution which represented a negotiated settlement of a dispute between the parties.

14. Applicants submit that Section 26(b) was designed to forestall the ability of a depositor to present holders of interests in a unit investment trust with situations in which a holder's only choice would be to continue an investment in an unsuitable, unbargained for underlying security, or to elect a costly, and, in effect, forced redemption. Applicants submit that the proposed Substitution does not present this type of situation. Moreover, under the Contracts, each Contract owner now has the ability to make transfers among a range of underlying investments, and Contract owners will have an ever greater choice of investment options after the Substitution. Further, each Contract owner can make the proposed Substitution temporary, without cost or adverse tax consequences, by transferring the Contract account value to any other Investment Division.

Conditions

Applicants consent to the following terms of and conditions to the issuance of an order granting the requested exemptions:

1. All administrative or other costs of the transactions, except brokerage fees, relating to the Substitution will be borne by SAFECO. SAFECO will assume all expenses and transaction costs (including, among others, legal and accounting fees) relating to the Substitution in a manner that attributes all transaction costs to SAFECO.

2. SAFECO will mail a notice to the affected Contract owners which will include a supplement to the Contract prospectus and a prospectus for the VIP Trusts. The notice and the supplement will describe the proposed Substitution.

3. Upon effecting the Substitution, SAFECO will mail a notice and confirmation to each affected Contract owner informing the Contract owner that the Substitution has been completed and the Contract account value involved. Such confirmation and notice will be mailed to Contract owners within five (5) days after the Substitution.

4. SAFECO will provide that, during a period of 30 days after the date of the mailing of the notice and confirmation of Substitution to affected Contract owners (the Free Transfer Period), the affected Contract owners will have the right to make a one-time transfer of Contract account values (at the value next computed after SAFECO receives the request for transfer) to any other Investment Division and to the Guaranteed Interest Division without charge and without the transfer counting as one of the free transfers permitted in a Contract year. Applicants represent that this 30-day period is sufficient time for Contract owners to determine if they wish to be invested in another Investment Division or the Guaranteed Interest Division.

5. The Substitution will, in all cases, be at net asset value of the respective shares of the affected Portfolios. All transfers of Contract account values will be affected without the imposition of any transfer or other charge.

6. The Substitution in no way will alter the insurance benefits to the Contract owners or the contractual obligations of SAFECO.

7. The Substitution in no way will alter the tax benefits to Contract owners.

8. Contract owners may choose to withdraw amounts credited to them following the Substitution under conditions that currently exist under the Contracts, subject to any applicable deferred sales charge.

9. The Substitution is expected to confer certain economic benefits on Contract owners by virtue of the increase in investment options, a reduction in overall administrative costs thus helping to keep current cost of insurance rates from increasing, and because of increased support from the Manager of the VIP Trusts by way of consumer information.

Conclusion

Applicants submit that, for the reasons and upon the facts set forth above, the exemptive relief requested under Section 26(b) of the 1940 Act is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act, and satisfies the purposes underlying Section 26(b) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–30493 Filed 12–13–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36566; File No. SR–Amex–95–46]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Exchange's Arbitration Rules

December 8, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 28, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Amex Rules 600 (Arbitration), 606 (Initiation of Proceedings), 607 (General Provision Governing Prehearing Proceeding), 620 (Schedule of Fees), and add a new rule, 624 (Failure to Honor Award). The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend its rules and procedures governing the administration of arbitration. These amendments codify modifications to the Uniform Code of Arbitration already approved by the Securities Industry Conference on Arbitration.

The Exchange is proposing to amend Amex Rule 600 to clarify that all class action claims, including claims involving members, allied members, member organizations, and associated persons, are ineligible for submission to the Exchange's arbitration facility.

Currently, Amex Rule 606(c)(6) provides that decisions concerning the right to arbitrate are made by the Director of Hearings, subject to appeal to the Exchange's Board of Governors. In order to conform the Exchange's rules with the Uniform Code of Arbitration, adopted by the Amex in 1980, the Exchange proposes to delete Amex Rule 606(c)(6). The Exchange believes decisions concerning the right to arbitrate a claim should be made by the panel of arbitrators selected to hear the matter.

The Exchange's proposed amendment to Amex Rule 607(c) would allow parties to provide a list of documents they intend to present at the hearing instead of exchanging copies of documents that have previously been produced to the other side. This would provide for more efficient prehearing exchanges by not requiring the parties to again exchange those documents that have previously been produced. Another aspect of this amendment would require the list identifying witnesses include the address and business affiliation of the witnesses listed. This would allow the parties to receive advance notice as to the background of witnesses and the location of nonparty witnesses. The final aspect of the proposed amendment to Amex Rule 607(c) would require prehearing exchanges to occur twenty calendar days in advance of the hearing, instead of ten days in advance as is presently required. This would serve to avoid surprise and provide the parties with time to organize and present their cases in an efficient manner.

The Exchange is proposing to amend Amex Rule 620 to provide that the filing fee for an industry party shall be $500 when the dispute does not specify a money claim. This would unify the filing fee for all industry claims at $500.

The Exchange is proposing to add a new rule, Amex Rule 624. This new rule would provide that the failure of a member firm or registered representative to honor an arbitration award, including those issued at another self-regulatory organization or by the American Arbitration Association, would subject the firm or registered representative to disciplinary proceedings at the Exchange. This would recognize the enforceability of arbitration awards issued by other self-regulatory organizations and by the American Arbitration Association.

2. Statutory Basis

The proposed rule changes are consistent with Section 6(b)[2] of the Act in general and furthers the objectives of Section 6(b)[3] in particular in that they are designed to promote just and equitable principles of trade and to protect investors and the public interest by improving the administration of an impartial forum for the resolution of disputes relating to the securities industry.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78f(b).

[3] 15 U.S.C. 78f(b)(5).

public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of the American Stock Exchange. All submissions should refer to File No. SR-Amex-95-46 and should be submitted by January 4, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

[FR Doc. 95–30492 Filed 12–13–95; 8:45 am]

BILLING CODE 8010–01–M

[File No. 500–1]

In the Matter of Environmental Chemicals Group, Inc.; Order Suspending Trading

December 12, 1995.

It appears to the Securities and Exchange Commission that questions have been raised about the adequacy and accuracy of publicly-disseminated information about Environmental Chemicals Group, Inc. concerning, among other things, its product lines, business prospects and relationships, and the assets recorded on its financial statements.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Environmental Chemicals Group, Inc.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Environmental Chemicals Group, Inc. is suspended for the period commencing 9:00 a.m. (EST) on December 12, 1995 and terminating on 11:59 p.m. (EST) on December 26, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–30563 Filed 12–12–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2811; Amendment #2]

U.S. Territory of the Virgin Islands; Declaration of Disaster Loan Area

The above numbered Declaration is hereby amended, effective November 14, 1995 to extend the termination date for filing applications for physical damage until December 15, 1995. The termination date for economic injury remains the same, June 17, 1995, at the previously designated location.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 7, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95–30448 Filed 12–13–95; 8:45 am]

BILLING CODE 8025–01–P

[Declaration of Disaster Loan Area #2813; Amendment #2]

Florida; Declaration of Disaster Loan Area

The above numbered Declaration is hereby amended on November 14 and November 28, 1995, respectively, to close the incident period for Lee and Collier Counties effective October 31, 1995; and to extend the deadline for filing applications for physical damage until December 26, 1995. All other information remains the same; i.e., the termination date for filing applications for economic injury, the deadline is July 5, 1996.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 7, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95–30447 Filed 12–13–95; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice No. 2303]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Radiocommunications and Search and Rescue; Notice of Meetings

The Working Group on Radiocommunications and Search and Rescue of the Subcommittee on Safety of Life at Sea will conduct open meetings at 9:30 am on Thursday, January 18, and Wednesday, February 14, 1996. These meetings will be held in the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20950. The purpose of these meetings is to discuss the papers received and the draft U.S. positions in preparation for the 1st Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications and Search and Rescue which is scheduled for February 19, 1996, at the IMO headquarters in London, England.

Among other things, the items of particular interest are:

—The implementation of the Global Maritime Distress and Safety Systems (GMDSS).'

—Maritime Search and Rescue matters.

Further information, including meeting agendas, minutes, and input papers, can be obtained from the Coast Guard Navigation Information Center computer bulletin board, accessible by modem by dialing: (703) 313–5910. The computer is also accessible through Internet by entering: ''http://www.navcen.uscg.mil.''

Members of the public may attend these meetings up to the seating capacity of the rooms. Interested persons may seek information, including meeting room numbers, by writing: Mr. Ronald J. Grandmaison, U.S. Coast Guard Headquarters, Commandant (G–TTM), Room 6306, 2100 Second Street SW., Washington, DC 20593–0001, by calling: (202) 267–1389, or by sending Internet electronic mail to: cgcomms/g-t@cgsmtp.comdt.uscg.mil.

Dated: December 6, 1995.

Charles A. Mast,

Chairman, Shipping Coordinating Committee.

[FR Doc. 95–30473 Filed 12–13–95; 8:45 am]

BILLING CODE 4710–07–M

STATE JUSTICE INSTITUTE

Grant Guideline

AGENCY: State Justice Institute.

ACTION: Final Grant Guideline.

SUMMARY: This Guideline sets forth the administrative, programmatic, and financial requirements attendant to Fiscal Year 1996 State Justice Institute grants, cooperative agreements, and contracts.

EFFECTIVE DATE: December 14, 1995.

FOR FURTHER INFORMATION CONTACT: David I. Tevelin, Executive Director, or Richard Van Duizend, Deputy Director, State Justice Institute, 1650 King St. (Suite 600), Alexandria, VA 22314, (703) 684–6100.

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984, 42 U.S.C. 10701, et seq., as amended, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the administration of justice in the State courts of the United States.

[4] 17 C.F.R. 200.30-3(a)912).

Changes in the Final Guideline

On August 29, 1995, the Institute published its proposed FY 1996 Grant Guideline in the Federal Register for public comment. 60 FR 44936. At the time the proposed Guideline was published, SJI's FY 1996 appropriation was uncertain; the Guideline accordingly cautioned that the proposed grant program was contingent on the availability of FY 1996 appropriations at about the same $13.55 million level that SJI received from Congress each year from FY 1992 to 1995.

On November 29, 1995, the House and Senate conference committee responsible for determining SJI's appropriation set the Institute's FY 1996 funding level at $5 million. If this amount is approved by Congress and the President, the Institute anticipates the availability of $6–9 million in grants in FY 1996 (after adding grant funds expected to be available from prior years and reserving funds for the administration of the program). This Guideline is contingent on the availability of $5 million in FY 1996 appropriations.

As a result of the anticipated reduction in SJI's appropriation, the Board of Directors has made several significant changes in the final Grant Guideline. They include:

Eliminating the Concept Paper Requirement. In order to facilitate the review and disposition of FY 1996 funding requests, the Board has eliminated the concept paper requirement for new proposals this fiscal year. All applicants will be required to submit formal applications for project grants no later than February 14, 1996. See section VII. for application requirements.

Reducing the Number of Special Interest Categories. The number of Special Interest, i.e., high priority, funding categories has been reduced from 13 in the proposed Guideline to 7 in the final Guideline. The seven categories are: Improving Public Confidence in the Courts; Education and Training for Judges and Other Key Court Personnel; Children and Families in Court; Application of Technology; Improving the Courts' Response to Gender-Related Crimes of Violence; the Relationship Between State and Federal Courts; and Conference Implementation Projects. See section II.B.2.

Within the constraints of the limited funding expected to be available in FY 1996, the Board of Directors also remains interested in proposals seeking to implement projects under the six Special Interest categories that were dropped from last year's Guideline: Dispute Resolution and the Courts; Planning and Managing the Future of the Courts; Resolution of Current Evidentiary Issues; Substance Abuse; Eliminating Race and Ethnic Bias in the Courts; and Assessing the Impact of Health Care-Related Issues on the State Courts, as well as a new category included in the Proposed Guideline, Proving the Security of Courthouses, Judges, Jurors, and Witnesses.

Changing the Types and Amounts of Grants Available. The final Grant Guideline eliminates package grants and reduces the amounts allocated to several other grant programs. As discussed more fully below, the amount allocated for Technical Assistance grants has been reduced from $600,000 in the proposed Guideline to $400,000 in the final Guideline; the amount allocated for Curriculum Adaptation grants has been reduced from $350,000 to $175,000; and the amount allocated for the Scholarship Program has been reduced from $250,000 to $175,000. In addition, the maximum amount contemplated for any single project grant has been reduced from $300,000 to $200,000, and the maximum duration of a project grant has been reduced from 24 months to 15 months.

The types of grants available in FY 1996 and the funding cycles for each program are discussed more fully below:

Project Grants. These grants are awarded to support education, research, evaluation, demonstration, and technical assistance projects to improve the administration of justice in the State courts. With limited exceptions (see sections II.B.2.b.ii. and II.C.), project grants are intended to support innovative projects of lasting national significance. As noted above, FY 1996 project grants may be made in amounts up to $200,000, but grants in excess of $150,000 will be awarded only to support projects likely to have a significant national impact.

The FY 1996 mailing deadline for project grant applications is February 14, 1996. Papers must be postmarked or bear other evidence of submission by that date. All applications will be considered at the Board's June 1996 meeting.

Technical Assistance Grants. Under this program, a State or local court may receive a grant of up to $30,000 to engage outside experts to provide technical assistance to diagnose, develop, and implement a response to a jurisdiction's problems. The Guideline allocates up to $400,000 in FY 1996 funds to support technical assistance grants. See section II.C. The deadlines for submitting letters of application for Technical Assistance grants are December 22, 1995; March 29, 1996; June 17, 1996; and, subject to the availability of sufficient appropriations in FY 1997, September 30, 1996.

Curriculum Adaptation Grants. A grant of up to $20,000 may be awarded to a State or local court to replicate or modify a model training program developed with SJI funds. The Guideline allocates up to $175,000 for these grants in FY 1996. See section II.B.2.b.ii.

Letters requesting Curriculum Adaptation grants may be submitted at any time during the fiscal year. However, in order to permit the Institute sufficient time to evaluate these proposals, letters must be submitted no later than 90 days before the projected date of the training program. See section II.B.2.b.ii.(c).

Scholarships. The Guideline allocates up to $175,000 of FY 1996 funds for scholarships to enable judges and court managers to attend out-of-State education and training programs. See section II.B.2.b.iii.

The Guideline establishes three deadlines for scholarship requests: February 1, 1996 for programs beginning between April 13 and July 12, 1996; April 15, 1996 for programs beginning between July 13 and September 30, 1996; and, subject to the availability of FY 1997 appropriations, July 15, 1996 for programs beginning between October 1 and December 31, 1996.

Renewal Grants. There are two types of renewal grants available from SJI: Continuation grants (see section IX.A.) and On-going support grants (see section IX.B.). Continuation grants are intended to support limited duration projects that involve the same type of activities as the original project. On-going support grants may be awarded for up to a three-year period to support national-scope projects that provide the State courts with critically needed services, programs, or products.

The Guideline establishes a target for renewal grants of no more than $2 million in FY 1996. Grantees should accordingly be aware that the award of a grant to support a project does not constitute a commitment to provide either continuation funding or on-going support.

An applicant for a continuation or on-going support grant must submit a letter notifying the Institute of its intent to seek such funding, no later than 120 days before the end of the current grant period. The Institute will then notify the applicant of the deadline for its renewal grant application. See section IX.

Recommendations to Grant Writers

Over the past 9 years, Institute staff have reviewed approximately 3,000 concept papers and 1,400 applications. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this Guideline.

The Institute suggests that applicants make certain that they address the questions and issues set forth below when preparing an application.

Applications should, however, be presented in the formats specified in section VII. of the guideline.

1. *What is the subject or problem you wish to address*? Describe the subject or problem and how it affects the courts and the public. Discuss how your approach will improve the situation or advance the state of the art or knowledge, and explain why it is the most appropriate to take. When statistics or research findings are cited to support a statement or position, the source of the citation should be referenced in a footnote or a reference list.

2. *What do you want to do*? Explain the goal(s) of the project in simple, straightforward terms. The goals should describe the intended consequences or expected overall effect of the proposed project (e.g., to enable judges to sentence drug-abusing offenders more effectively, or to dispose of civil cases within 24 months), rather than the tasks or activities to be conducted (e.g., hold 3 training sessions, or install a new computer system).

To the greatest extent possible, an applicant should avoid a specialized vocabulary that is not readily understood by the general public. Technical jargon does not enhance a paper.

3. *How will you do it*? Describe the methodology carefully so that what you propose to do and how you would do it are clear. All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks and relate those tasks directly to the accomplishment of the project's goal(s). When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, provide the additional information. A description of project tasks also will help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described. The Institute encourages applicants to attach letters of cooperation and support from the courts and related agencies that will be involved in or directly affected by the proposed project.

4. *How will you know it works*? Include an evaluation component that will determine whether the proposed training, procedure, service, or technology accomplished the objectives it was designed to meet. Applications should present the criteria that will be used to evaluate the project's effectiveness, identify program elements which will require further modification and describe how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what specific measures will be used. In most instances, the evaluation should be conducted by persons not connected with the implementation of the procedure, training, service, or technique, or the administration of the project.

The Institute has also prepared a more thorough list of recommendations to grant writers regarding the development of project evaluation plans. Those recommendations are available from the Institute upon request.

5. *How will others find out about it*? Include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, or the distribution of key materials. A statement that a report or research findings ''will be made available to'' the field is not sufficient. The specific means of distribution or dissemination as well as the types of recipients should be identified. Reproduction and dissemination costs are allowable budget items.

6. *What are the specific costs involved*? The budget should be presented clearly. Major budget categories such as personnel, benefits, travel, supplies, equipment, and indirect costs should be identified separately. The components of ''Other'' or ''Miscellaneous'' items should be specified in the application budget narrative, and should not include set-asides for undefined contingencies.

7. *What, if any, match is being offered*? Courts and other units of State and local government (not including publicly-supported institutions of higher education) are required by the State Justice Institute Act to contribute a match (cash, non-cash, or both) of not less than 50 percent of the grants funds requested from the Institute. All other applicants also are encouraged to provide a matching contribution to assist in meeting the costs of a project.

The match requirement works as follows: If, for example, the total cost of a project is anticipated to be $150,000, a State or local court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as match.

Cash match includes funds directly contributed to the project by the applicant, or by other public or private sources. It does not include income generated from tuition fees or the sale of project products. Non-cash match refers to in-kind contributions by the applicant, or other public or private sources. This includes, for example, the monetary value of time contributed by existing personnel or members of an advisory committee (but not the time spent by participants in an educational program attending program sessions). When match is offered, the nature of the match (cash or in-kind) should be explained and, at the application stage, the tasks and line items for which costs will be covered wholly or in part by match should be specified.

8. *Which of the two budget forms should be used?* Section VII.A.3. of the SJI Grant Guideline encourages use of the spreadsheet format of Form C1 if the funding request exceeds $100,000. Form C1 also works well for projects with discrete tasks, regardless of the dollar value of the project. Form C, the tabular format, is preferred for projects lacking a number of discrete tasks, or for projects requiring less than $100,000 of Institute funding. Generally, use the form that best lends itself to representing most accurately the budget estimates for the project.

9. *How much detail should be included in the budget narrative?* The budget narrative of an application should provide the basis for computing all project-related costs, as indicated in section VII.D. of the SJI Grant Guideline. To avoid common shortcomings of application budget narratives, include the following information:

- Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries for the designated personnel (e.g., Project Director, 50% for one year, annual salary of $50,000=$25,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work-year should be shown.
- Estimates for supplies and expenses supported by a complete description of

the supplies to be used, nature and extent of printing to be done, anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (e.g., 100 reports × 75 pages each × .05/page = $375.00). Supply and expense estimates offered simply as ''based on experience'' are not sufficient.

In order to expedite Institute review of the budget, make a final comparison of the amounts listed in the budget narrative with those listed on the budget form. In the rush to complete all parts of the application on time, there may be many last-minute changes; unfortunately, when there are discrepancies between the budget narrative and the budget form or the amount listed on the application cover sheet, it is not possible for the Institute to verify the amount of the request. A final check of the numbers on the form against those in the narrative will preclude such confusion. The Institute will provide an illustrative budget and budget form upon request.

10. *What travel regulations apply to the budget estimates?* Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Institute or the Federal Government (a copy of the Institute's travel policy is available upon request). The budget narrative should state which regulations are in force for the project and should include the estimated fare, the number of persons traveling, the number of trips to be taken, and the length of stay. The estimated costs of travel, lodging, ground transportation, and other subsistence should be listed separately. When combined, the subtotals for these categories should equal the months after the project start date to submit the indirect cost proposal to the Institute for approval. An indirect cost rate worksheet on computer diskette is available from the Institute upon request.

11. *May grant funds be used to purchase equipment?* Generally, grant funds may be used to purchase only the equipment that is necessary to demonstrate a new technological application in a court, or that is otherwise essential to accomplishing the objectives of the project. Equipment purchases to support basic court operations ordinarily will not be approved. The budget narrative must list the equipment to be purchased and explain why the equipment is necessary to the success of the project. Written prior approval of the Institute is required when the amount of computer hardware to be purchased or leased exceeds $10,000, or the software to be purchased exceeds $3,000.

12. *To what extent may indirect costs be included in the budget estimates?* It is the policy of the Institute that all costs should be budgeted directly; however, if an applicant has an indirect cost rate that has been approved by a Federal agency within the last two years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application.

If an applicant does not have an approved rate agreement, an indirect cost rate proposal should be prepared in accordance with Section XI.H.4 of the Grant Guideline, based on the applicant's audited financial statements for the prior fiscal year. (Applicants lacking an audit should budget all project costs directly.) If an indirect cost rate proposal is to be submitted, the budget should reflect estimates based on that proposal. Obviously, this requires that the proposal be completed at the time of application so that the appropriate estimates may be included; however, grantees have until three months after the project start date to submit the indirect cost proposal to the Institute for approval. An indirect cost rate worksheet on computer diskette is available from the Institute upon request.

13. *Does the budget truly reflect all costs required to complete the project?* After preparing the program narrative portion of the application, applicants may find it helpful to list all the major tasks or activities required by the proposed project, including the preparation of products, and note the individual expenses, including personnel time, related to each. This will help to ensure that, for all tasks described in the application (e.g., development of a videotape, research site visits, distribution of a final report), the related costs appear in the budget and are explained correctly in the budget narrative.

Recommendations to Grantees

The Institutes staff works with grantees to help assure the smooth operation of the project and compliance with the SJI Guidelines. On the basis of monitoring more than 1000 grants, the Institute staff offers the following suggestions to aid grantees in meeting the administrative and substantive requirements of their grants.

1. *After the grant has been awarded, when are the first quarterly reports due?* Quarterly Progress Reports and Financial Status Reports must be submitted within 30 days after the end of every calendar quarter—i.e. no later than January 30, April 30, July 30, and October 30—regardless of the project's start date. The reporting periods covered by each quarterly report end 30 days before the respective deadline for the report. When an award period begins December 1, for example, the first Quarterly Progress Report describing project activities between December 1 and December 31 will be due on January 30. A Financial Status Report should be submitted even if funds have not been obligated or expended.

By documenting what has happened over the past three months, Quarterly Progress Reports provide an opportunity for project staff and Institute staff to resolve any questions before they become problems, and make any necessary changes in the project time schedule, budget allocations, etc. Thus, the Quarterly Project Report should describe project activities, their relationship to the approved timeline, and any problems encountered and how they were resolved, and outline the tasks scheduled for the coming quarter. It is helpful to attach copies of relevant memos, draft products, or other requested information. An original and one copy of a Quarterly Progress Report and attachments should be submitted to the Institute.

Additional Quarterly Progress Report on Financial Status Report forms may be obtained from the grantee's Program Manager at SJI, or photocopies may be made from the supply received with the award.

2. *Do reporting requirements differ for renewal grants or package grants?* Recipients of a continuation, on-going support, or package grant are required to submit quarterly progress and financial status reports on the same schedule and with the same information as recipients of a grant for a single new project.

A continuation grant and each yearly grant under an on-going support award should be considered as a separate phase of the project. The reports should be numbered on a grant rather than project basis. Thus, the first quarterly report filed under a continuation grant or a yearly increment of an on-going support award should be designated as number one, the second as number two, and so on, through the final progress and financial status reports due within 90 days after the end of the grant period.

3. *What information about project activities should be communicated to SJI?* In general, grantees should provide

prior notice of critical project events such as advisory board meetings or training sessions so that the Institute Program Manager can attend if possible. If methodological, schedule, staff, budget allocations, or other significant changes become necessary, the grantee should contact the Program Manager prior to implementing any of these changes, so that possible questions may be addressed in advance. Questions concerning the financial requirements section of the Guideline, quarterly financial reporting or payment requests, should be addressed to the Grants Financial Manager listed in the award letter.

It is helpful to include the grant number assigned to the award on all correspondence to the Institute.

4. *Why is it important to address the special conditions that are attached to the award document?* In some instances, a list of special conditions is attached to the award document. The special conditions are imposed to establish a schedule for reporting certain key information, to assure that the Institute has an opportunity to offer suggestions at critical stages of the project, and to provide reminders of some, but not all of the requirements contained in the Grant Guidelines. Accordingly, it is important for grantees to check the special conditions carefully and discuss with their Program Manager any questions or problems they may have with the conditions. Most concerns about timing, response time, and the level of detail required can be resolved in advance through a telephone conversation. The Institute's primary concern is to work with grantees to assure that their projects accomplish their objectives, not to enforce rigid bureaucratic requirements. However, if a grantee fails to comply with a special condition or with other grant requirements, the Institute may, after proper notice, suspend payment of grant funds or terminate the grant.

Sections X., XI., and XII. of the Grant Guideline contain the Institute's administrative and financial requirements. Institute Finance and Management Division staff are always available to answer questions and provide assistance regarding these provisions.

5. *What is a Grant Adjustment?* A Grant Adjustment is the Institute's form for acknowledging the satisfaction of special conditions, or approving changes in grant activities, schedule, staffing, sites, or budget allocations requested by the project director. It also may be used to correct errors in grant documents, add small amounts to a grant award, or deobligate funds from the grant.

6. *What schedule should be followed in submitting requests for reimbursements or advance payments?* Requests for reimbursements or advance payments may be made at any time after the project start date and before the end of the 90-day close-out period. However, the Institute follows the U.S. Treasury's policy limiting advances to the minimum amount required to meet immediate cash needs. Given normal processing time, grantees should not seek to draw down funds for periods greater than 30 days from the date of the request.

7 *Do procedures for submitting requests for reimbursement or advance payment differ for renewal grants?* The basic procedures are the same for any grant. A continuation grant or the yearly grant under an on-going support award should be considered as a separate phase of the project. Payment requests should be numbered on a grant rather than a project basis. Thus, the first request for funds from a continuation grant or a yearly increment under an on-going support award should be designated as number one, the second as number two, and so on through the final payment request for that grant.

8. *If things change during the grant period, can funds be reallocated from one budget category to another?* The Institute recognizes that some flexibility is requires in implementing a project design and budget. Thus, grantees may shift funds among direct cost budget categories. When any one reallocation or the cumulative total of reallocations are expected to exceed five percent of the approved project budget, a grantee must specify the proposed changes, explain the reasons for the changes, and request Institute approval.

The same standard applies to renewal grants. In addition, prior written Institute approval is required to shift leftover funds from the original award to cover activities to be conducted under the renewal award, or to use renewal grant monies to cover costs incurred during the original grant period.

9. *What is the 90-day close-out period?* Following the last day of the grant, a 90-day period is provided to allow for all grant-related bills to be received and posted, and grant funds drawn down to cover these expenses. No obligations of grant funds may be incurred during this period. The last day on which an expenditure of grant funds can be obligated is the end date of the grant period. Similarly, the 90-day period is not intended as an opportunity to finish and disseminate grant products. This should occur before the end of the grant period.

Starting the day after the end of the award period, and during the following 90 days, all monies that have been obligated should be expended. All payment requests must be received by the end of the 90-day ''close-out-period.'' Any unexpended monies held by the grantee that remain after the 90-day follow-up period must be returned to the Institute. Any funds remaining in the grant that have not been drawn down by the grantee will be deobligated.

10. *Are funds granted by SJI ''Federal funds?* The State Justice Institute Act provides that, except for purposes unrelated to this question, ''the Institute shall not be considered a department, agency, or instrumentality of the Federal Government.'' 42 U.S.C. § 1070(c)(1). Because SJI receives appropriations from Congress, some grantees auditors have reported SJI funds as ''Other Federal Assistance.'' This classification is acceptable to SJI but is not required.

11. *If SJI is not a Federal Agency, do OMB circulars apply with respect to audits?* Except to the extent that they are inconsistent with the express provisions of the SJI Grant Guideline, Office of Management and Budget (OMB) Circulars A–110, A–21, A–87, A–88, A–102, A–122, A–128 and A–133 are incorporated into the Grant Guideline by reference. Because the Institute's enabling legislation specifically requires the Institute to ''conduct, or require each recipient to provide for, an annual fiscal audit'' [see 42 U.S.C. 10711(c)(1)], the Grant Guideline sets forth options for grantees to comply with this statutory requirement. (See Section XI.J.)

Prior to FY 1994, the Institute did not require grantees to comply with the audit-related provisions of OMB circulars A–110, A–128, or A–133, but did require that grantees, lacking an audit report prepared for a Federal agency, conduct an independent audit in compliance with generally accepted auditing standards established by the American Institute of Certified Public Accountants.

The current Guideline makes it clear that SJI will accept audits conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A–128, or A–133, in satisfaction of the annual fiscal audit requirement. Grantees who are required to undertake these audits in conjunction with Federal grants may include SJI funds as part of the audit even if the receipt of SJI funds would not require such audits. This approach gives grantees an option to fold SJI funds into the governmental audit rather

than to undertake a separate audit to satisfy SJI's Guidelines requirements.

In sum, educational and nonprofit organizations that receive payments from the Institute that are sufficient to meet the applicability thresholds of OMB Circular A–133 must have their annual audit conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States rather than with generally accepted auditing standards. Grantees in this category that receive amounts below the minimum threshold referenced in Circular A–133 must also submit an annual audit to SJI, but they would have the option to conduct an audit of the entire grantee organization in accordance with generally accepted auditing standards; include SJI funds in an audit of Federal funds conducted in accordance with the Single Audit Act of 1984 and OMB Circulars A–128 or A–133; or conduct an audit of only the SJI funds in accordance with generally accepted auditing standards. (See Guideline Section XI.J.) A copy of the above-noted circulars may be obtained by calling OMB at (202) 395–7250.

12. *Does SJI have a CFDA number?* Auditors often request that a grantee provide the Institute's Catalog of Federal Domestic Assistance (CFDA) number for guidance in conducting an audit in accordance with Government Accounting Standards. Because SJI is not a Federal agency, it has not been issued such a number, and there are no additional compliance tests to satisfy under the Institute's audit requirements beyond those of a standard governmental audit.

Moreover, because SJI is not a Federal agency, SJI funds should not be aggregated with Federal funds to determine if the applicability threshold of Circular A–133 has been reached. For example, if in fiscal year 1996 grantee ''X'' received $10,000 in Federal funds from a Department of Justice (DOJ) grant program and $20,000 in grant funds from SJI, the minimum A–133 threshold would not be met. The same distinction would preclude an auditor from considering the additional SJI funds in determining what Federal requirements apply to the DOJ funds.

Grantees that are required to satisfy either the Single Audit Act, OMB Circulars A–128, or A–133 and who include SJI grant funds in those audits, need to remember that because of its status as a private non-profit corporation, SJI is not on routing lists of cognizant Federal agencies. Therefore, the grantee needs to submit a copy of the audit report prepared for such a cognizant Federal agency directly to SJI. The Institute's audit requirements may be found in Section XI.J. of the Grant Guideline.

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The following Grant Guideline is adopted by the State Justice Institute for FY 1996:

State Justice Institute Grant Guideline

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Summary

This Guideline sets forth the programmatic, financial, and administrative requirements of grants, cooperative agreements, and contracts awarded by the State Justice Institute. The Institute, a private, nonprofit corporation established by an Act of Congress, is authorized to award grants, cooperative agreements and contracts to improve the administration and quality of justice in the State courts.

Grants may be awarded to State and local courts and their agencies; national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branch of State governments; and national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments. The Institute may also award grants to other nonprofit organizations with expertise in judicial administration; institutions of higher education; individuals, partnerships, firms, or corporations, and private agencies with expertise in judicial administration if the objectives of the funded program can be better served by such an entity. Funds may be awarded, as well to Federal, State or local agencies and institutions other than courts for services that cannot be provided adequately through nongovernmental arrangements. In addition, the Institute may provide financial assistance in the form of interagency agreements with other grantors.

The Institute will consider applications for funding support that address any of the areas specified in its enabling legislation, as amended. However, the Board of Directors of the Institute has designated certain program categories as being of special interest.

The Institute has established one round of competition for FY 1996 funds. The application submission deadline is February 14, 1996, (See section II.B.2.g) It is anticipated that approximately $6–9 million will be available for award. This Guideline applies to all concept papers and applications submitted, as well as grants awarded in FY 1996.

The awards made by the State Justice Institute are governed by the requirements of this Guideline and the authority conferred by Pub. L. 98–620, Title II, 42 U.S.C. 10701, *et seq.*, as amended.

I. Background

The Institute was established by Pub. L. 98–620 to improve the administration of justice in the State courts in the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, the Institute is charged, by statute, with the responsibility to:

A. Direct a national program of financial assistance designed to assure that each citizen of the United States is provided ready access to a fair and effective system of justice;

B. Foster coordination and cooperation with the Federal judiciary;

C. Promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

D. Encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

To accomplish these broad objectives, the Institute is authorized to provide funds to State courts, national organizations which support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

The Institute is supervised by an 11-member Board of Directors appointed by the President, by and with the consent of the Senate. The Board is statutorily composed of six judges, a State court administrator, and four members of the public, no more than two of whom can be of the same political party.

Through the award of grants, contracts, and cooperative agreements, the Institute is authorized to perform the following activities:

A. Support research, demonstrations, special projects, technical assistance, and training to improve the administration of justice in the State courts;

B. Provide for the preparation, publication and dissemination of information regarding State judicial systems;

C. Participate in joint projects with Federal agencies and other private grantors;

D. Evaluate or provide for the evaluation of programs and projects funded by the Institute to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have contributed to improving the quality of justice in the State courts;

E. Encourage and assist in furthering judicial education;

F. Encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

G. Be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

II. Scope of the Program

During FY 1996, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board, however, has designated certain program categories as being of ''special interest.'' See section II.B.

A. Authorized Program Areas

The Institute is authorized to fund projects addressing one or more of the following program areas listed in the State Justice Institute Act, the Battered Women's Testimony Act of 1992, the Judicial Training and Research for Child Custody Litigation Act of 1992, and the International Parental Kidnapping Crime Act of 1993.

1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisionmaking activities, implementation of demonstration programs to test such innovative approaches and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards; and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity; and the development, testing and evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigating common grievances and alternative techniques and mechanisms for resolving disputes between citizens;

14. Collection and analysis of information regarding the admissibility and quality of expert testimony on the experiences of battered women offered as part of the defense in criminal cases under State law, as well as sources of and methods to obtain funds to pay costs incurred to provide such testimony, particularly in cases involving indigent women defendants;

15. Development of training materials to assist battered women, operators of domestic violence shelters, battered women's advocates, and attorneys to use expert testimony on the experiences of battered women in appropriate cases, and individuals with expertise in the experience of battered women to develop skills appropriate to providing such testimony;

16. Research regarding State judicial decisions relating to child custody litigation involving domestic violence;

17. Development of training curricula to assist State courts to develop an understanding of, and appropriate responses to child custody litigation involving domestic violence;

18. Dissemination of information and training materials and provision of technical assistance regarding the issues listed in paragraphs 14-17 above;

19. Development of national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction;

20. Other programs, consistent with the purposes of the State Justice Institute Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems in areas where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will *not* be made available for the ordinary, routine operation of court

systems or programs in any of these areas.

B. Special Interest Program Categories

1. General Description

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. Although applications in any of the statutory program areas are eligible for funding in FY 1996, the Institute is especially interested in funding those projects that:

a. Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;

b. Address aspects of the State judicial systems that are in special need of serious attention;

c. Have national significance in terms of their impact or replicability in that they develop products, services, and techniques that may be used in other States; and

d. Create and disseminate products that effectively transfer the information and ideas developed to relevant audiences in State and local judicial systems or provide technical assistance to facilitate the adaptation of effective programs and procedures in other State and local jurisdictions.

A project will be identified as a ''Special Interest'' project if it meets the four criteria set forth above and (1) it falls within the scope of the ''special interest'' program areas designated below, or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

Applications which address a ''Special Interest'' category will be accorded a preference in the rating process. (See the selection criteria listed in section VIII.B., ''Application Review Procedures.'')

2. Specific Categories

The Board has designated the areas set forth below as ''Special Interest'' program categories. The order of listing does not imply any ordering of priorities among the categories.

a. *Improving Public Confidence in the Courts.* This category includes research, demonstration, evaluation and education projects designed to improve the responsiveness of courts to public concerns regarding the fairness, accessibility, timeliness, and comprehensibility of the court process, and to test innovative methods for increasing the public's confidence in the State courts.

i. The Institute is particularly interested in supporting innovative projects that examine, develop, and test methods that trial or appellate courts may use to:

- Improve service to individual litigants and trial participants, including innovative methods for handling cases involving unrepresented litigants fairly and effectively;
- Test methods for more clearly and effectively communicating decisions and the reasons for them to litigants and the public;
- Address court-community problems resulting from the influx of legal and illegal immigrants, including projects to define the impact of immigration on State courts; design and assess procedures for use in custody, visitation, and other domestic relations cases when key family members or property are outside the United States; facilitate communication with Federal authorities when illegal aliens are involved in State court proceedings; and develop protocols to facilitate service of process, the enforcement of orders of judgment, and the disposition of criminal and juvenile cases when a non-U.S. citizen or corporation is involved; and
- Increase public understanding of jury decisions and the juror selection and service process; foster positive attitudes toward jury service; and enhance the attractiveness of juror service through, e.g., incentives to participate, modifications of terms of service, and/or juror orientation and education programs.

Institute funds may not be used to directly or indirectly support legal representation of individuals in specific cases. In addition, it is unlikely that the Institute will continue to support development or testing of additional automated kiosks such as those being used by the courts in Arizona, California, Florida and New York.

ii. The Institute also is interested in supporting projects designed to improve the quality of justice including those testing methods for improving court operations based on the research examining ''procedural'' and ''distributive'' justice, and those assessing the impact of live television coverage of trials on court proceedings, public understanding, and fairness to litigants.

In addition, the Institute is interest in supporting projects to follow up on the issues, recommendations, and action plans resulting from the National Town Hall Meeting on Improving Public Confidence in the Courts. (See section II.B.2.g., Conference Implementation Projects.)

Previous SJI-supported projects that address these issues include: evaluation of an experimental community court in New York City; development of a manual for management of court interpretation services and materials for training and assisting court interpreters; development of interpreter certification tests in Russian and Hmong; development of touchscreen computer systems, videotapes, and written materials to assist pro se litigants; a demonstration of the use of volunteers to monitor guardianship; studies of effective and efficient methods for providing legal representation to indigent parties in criminal and family cases and the applicability of various dispute resolution procedures to different cultural groups; guidelines for court-annexed day care systems; and development of a manual for implementing innovations in jury selection, use, and management; technical assistance and training to facilitate implementation of the Standards on Jury Management; development of a guide for making juries accessible to persons with disabilities.

b. *Education and Training for Judges and Other Key Court Personnel.* The Institute continues to be interested in supporting an array of projects to strengthen and broaden the availability of court education programs at the State, regional, and national levels. Accordingly, this category is divided into three subsections: (i) Development of Innovative Educational Programs; (ii) Curriculum Adaptation Projects; and (iii) Scholarships. All Institute-supported education and training programs should be accessible to persons with disabilities in accordance with the Americans with Disabilities Act.

i. *Development of Innovative Educational Programs.* This category includes support for the development and testing of educational programs for judges or court personnel that address key substantive and administrative issues of concern to the nation's courts, or assist local courts or State court systems to develop or enhance their capacity to deliver quality continuing education. Programs may be designed for presentation at the local, State, regional, or national level. Ordinarily, court education programs should be based on some form of assessment of the needs of the target audience; include clearly stated learning objectives that delineate the new knowledge or skills that participants will acquire; incorporate adult education principles and varying teaching/learning methods;

and result in the development of a curriculum as defined in section III.K

The Institute is particularly interested in the development of education programs that:

- Offer or comprise a portion of a comprehensive course of study that includes seminars or materials for judges or court personnel at various stages of their careers;
- Include self-directed learning packages such as those using interactive computer-programs, videos, or other visual media supported by written materials or manuals, or distance-learning approaches that could help local courts in creating organization-wide continuing learning opportunities and assist those who do not have ready access to classroom-centered programs;
- Are interdisciplinary or involve collaboration between the judicial and other branches of government or between courts within a metropolitan area or multi-State region;
- Develop judicial leadership abilities, improve teamwork within a court, and enhance service to the public by a court;
- Familiarize faculty with the effective use of technology in presenting information; or
- Incorporate the findings from SJI-supported demonstration, evaluation, or research projects.

ii. *Curriculum Adaptation Projects*

(a) *Description of the Program.* The Board is reserving up to $175,000 to provide support for adaptation and implementation of model curricula and/or model training programs previously developed with SJI support. The exact amount to be awarded for curriculum adaptation grants will depend on the number and quality of the applications submitted in this category and other categories of the Guideline.

The goal of the Curriculum Adaptation Program is to provide State and local courts with sufficient support to prepare and test a model curriculum, course module, national or regional conference program, or other model education program developed with SJI funds by any other State or national organization which has been modified to meet a State's or local jurisdiction's educational needs. Generally, it is anticipated that the adapted curriculum would become part of the grantee's ongoing educational offerings, and that local instructors would receive the training needed to enable them to make future presentations of the curriculum. An illustrative list of the curricula that may be appropriate for the adaptation is contained in Appendix III.

Only State or local courts may apply for Curriculum Adaptation funding. Grants to support adaptation of educational programs previously developed with SJI funds are limited to no more than $20,000 each. As with other awards to State of local courts, cash or in-kind match must be provided equal to at least 50% of the grant amount requested.

(b) *Review Criteria.* Curriculum Adaptation grants will be awarded on the basis of criteria including: the goals and objectives of the proposed project; the need for outside funding to support the program; the likelihood of effective implementation; the appropriateness of the educational approach in achieving the project's educational objectives; the likelihood of effective implementation and integration into the State's or local jurisdiction's ongoing educational programming; and expressions of interest by the judges and/or court personnel who would be directly involved in or affected by the project. In making implementation awards. the Institute will also consider factors such as the reasonableness of the amount requested, compliance with the statutory match requirements, diversity of subject matter, geographic diversity, the level of appropriations available in the current year, and the amount expected to be available in succeeding fiscal years.

(c) *Application Procedures.* In lieu of formal applications, applicants for Curriculum Adaptation grants may submit, at any time, a detailed letter, and three photocopies. Although there is no prescribed form for the letter nor a minimum or maximum page limit, letters of application should include the following information to assure that each of the criteria for evaluating applications is addressed:

- *Project Description.* What are the project's goals and learning objectives? What is the title of the model curriculum to be tried? Who developed it? What program components would be implemented, and what benefits would be derived from this test? Why is this education program needed at the present time? Who will be responsible for adapting the model curriculum, and what types of modifications, if any, in length, format, and content are anticipated? Who will the participants be, how will they be recruited, and from where will they come (e.g., from across the State, from a single local jurisdiction, from a multi-State region)? How many participants are anticipated?
- *Need for Funding.* Why cannot State or local resources fully support the modification and presentation of the model curriculum? What is the potential for replicating or integrating the program in the future using State or local funds, once it has been successfully adapted and tested?
- *Likelihood of Implementation.* What is the proposed timeline for modifying and presenting the program? Who would serve as faculty and how were they selected? How will the presentation of the program be evaluated and by whom? (Ordinarily, an outside evaluation is not necessary; however, the results of any participant evaluation should be included in the final report.) What measures will be taken to facilitate subsequent presentations of the adapted program?
- *Expressions of Interest By Judges and/or Court Personnel.* Does the proposed program have the support of the court system leadership, and of judges, court managers, and judicial education personnel who are expected to attend? (This may be demonstrated by attaching letters of support.)
- *Budget and Matching State Contribution.* Applicants should attach a copy of budget Form E (see Appendix V) and a budget narrative (see Section VII.B) that describes the basis for the computation of all project-related costs and the source of the match offered.
- Local courts should attach a concurrence signed by the Chief Justice of the State or his or her designee. (See Form B, Appendix VI.)

Letters of application may be submitted at any time. However, applicants should allow at least 90 days between the date of submission and the date of the proposed program to allow sufficient time for needed planning. The Board of Directors has delegated its authority to approve Curriculum Adaptation grants to its Judicial Education Committee. The committee anticipates acting upon applications within 45 days after receipt. Formal grant awards will be made only after committee approval and negotiation of the final terms of the grant.

(d) *Grantee Responsibilities.* A recipient of a Curriculum Adaptation grant must:

(1) Comply with the same quarterly reporting requirements as other Institute grantees (see Section X.L., infra);

(2) Include in each grant product a prominent acknowledgment that support was received from the Institute, along with the ''SJI'' logo, and a disclaimer paragraph based on the example provided in section X.Q. of the Guideline; and

(3) Submit two copies of the manuals, handbooks, or conference packets developed under the grant at the conclusion of the grant period, along with a final report that includes evaluation results and explains how it

intends to replicate the program in the future.

Applicants seeking other types of funding for developing and testing educational programs must comply with the requirements applications set forth in Section VII or the requirements for renewal applications set forth in Section IX.

iii. *Scholarships for Judges and Court Personnel.* The Institute is reserving up to $175,000 to support a scholarship program for State court judges and court managers.

(a) *Program Description/Scholarship Amounts.* The purposes of the Institute scholarship program are to: enhance the knowledge, skills, and abilities of judges and court managers; enable State court judges and court managers to attend out-of-State educational programs sponsored by national and State providers that they could not otherwise attend because of limited State, local and personal budgets; and provide States, judicial educators, and the Institute with evaluation information on a range of judicial and court-related education programs.

Scholarships will be granted to individuals only for the purpose of attending an out-of-State educational program within the United States. The annual or midyear meeting of a State or national organization of which the applicant is a member does not qualify as an out-of-State educational program for scholarship purposes, even though it may include workshops or other training sessions.

A scholarship may cover the cost of tuition and travel up to a maximum total of $1,500 per scholarship. Transportation expenses include round-trip coach airfare or train fare. Recipients who drive to the site of the program may receive $.30/mile up to the amount of the advanced purchase round-trip airfare between their home and the program site. Funds to pay tuition and transportation expenses in excess of $1,500, and other costs of attending the program such as lodging, meals, materials, and local transportation (including rental cars) at the site of the education program, must be obtained from other sources or be borne by the scholarship recipient.

Scholarship recipients are encouraged to check with their tax advisor to determine whether the scholarship constitutes taxable income under Federal and State law.

(b) *Eligibility Requirements.* Because of the limited amount of funds available, scholarships can be awarded only to full-time judges of State or local trial and appellate courts; to full-time professional, State or local court personnel with management responsibilities; and to supervisory and management probation personnel in judicial branch probation offices. Senior judges, part-time judges, quasi-judicial hearing officers, State administrative law judges, staff attorneys, law clerks, line staff, law enforcement officers, and other executive branch personnel will not be eligible to receive a scholarship.

(c) *Application Procedures.* Judges and court managers interested in receiving a scholarship must submit the Institute's Judicial Education Scholarship Application Form (Form S1, see Appendix IV). Applications must be submitted by:

February 1, 1996, for programs beginning between April 13 and July 12, 1996; and

April 15, 1996, for programs beginning between July 13 and September 30, 1996; and, July 15, 1996, for programs beginning between October 1, and December 31, 1996.

No exceptions or extensions will be granted.

(d) *Concurrence Requirement. All scholarship applicants must obtain the written concurrence of the Chief Justice of his or her State's Supreme Court (or the Chief Justice's designee) on the Institute's Judicial Education Scholarship Concurrence form (Form S2, see Appendix IV).* Court managers, other than elected clerks of court, also should submit a letter of support from their supervisor. The Concurrence form (Form S2) may accompany the applications or be sent separately. However, the original signed Concurrence form must be received by the Institute within two weeks after the appropriate application mailing deadline (i.e. by February 15, or April 30, or July 30, 1996). No application will be reviewed if a signed Concurrence has not been received by the required date.

(e) *Review Procedures/Selection Criteria.* The Board of Directors has delegated the authority to approve or deny scholarships to its Judicial Education Committee. The Institute intends to notify each applicant whose scholarship has been approved within 60 days after the relevant application deadline. The Committee will reserve sufficient funds each quarter to assure the availability of scholarships throughout the year.

The factors that the Institute will consider in selecting scholarship recipients are:

- The applicant's need for training in the particular course subject and how the applicant would apply the information/skills gained;
- The benefits to the applicant's court or the State's court system that would be derived from the applicant's participation in the specific educational program, including a description of current legal, procedural, administrative, or other problems affecting the State's courts, related to topics to be addressed at the educational program (in addition to submission of a signed Form S2);
- The absence of educational programs in the applicant's State addressing the particular topic;
- How the applicant will disseminate the knowledge gained (e.g., by developing/teaching a course or providing inservice training for judges or court personnel at the State or local level);
- The length of time that the applicant intends to serve as a judge or court manager, assuming reelection or reappointment, where applicable;
- The likelihood that the applicant would be able to attend the program without a scholarship;
- The unavailability of State or local funds to cover the costs of attending the program;
- The quality of the educational program to be attended as demonstrated by the sponsoring organization's experience in judicial education, evaluations by participants or other professionals in the field, or prior SJI support for this or other programs sponsored by the organization;
- Geographic balance;
- The balance of scholarships among types of applicants and courts;
- The balance of scholarships among educational programs; and
- The level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

(f) *Responsibilities of Scholarship Recipients.* In order to receive the funds authorized by a scholarship award, recipients must submit a Scholarship Payment Voucher (Form S3) together with a tuition statement from the program sponsor, and a transportation fare receipt (or statement of the driving mileage to and from the recipient's home to the site of the educational program). Recipients also must submit to the Institute a certificate of attendance at the program and an evaluation of the educational program they attended. A copy of the evaluation also must be sent to the Chief Justice of their State.

A State or a local jurisdiction may impose additional requirements on scholarship recipients that are consistent with SJI's criteria and requirements, e.g., a requirement to

serve as faculty on the subject at a State- or locally-sponsored judicial education program.

c. *Children and Families in Court.* This category includes education, evaluation, technical assistance, and research projects to identify and inform judges of innovative, appropriate, and effective approaches for handling cases involving children and families. The Institute is particularly interested in projects to:

i. Assist the courts in addressing the special needs of children in cases involving family violence including the development and testing of innovative protocols, procedures, educational programs, and other measures for improving the capacity of courts to:

- Adjudicate child custody cases in which family violence may be involved;
- Determine and address the service needs of children exposed to family violence including the short- and long-term effects on children of exposure to family violence and the methods for mitigating those effects when issuing protection, custody, visitation, or other orders;
- Adjudicate and monitor child abuse and neglect litigation and reconcile the need to protect the child with the requirement to make reasonable efforts to maintain or reunite the family.

ii. Enhance the fairness and effectiveness of the process used to file, hear, and dispose of cases involving family violence, including projects to:

- Determine when it may be appropriate to refer a case involving family violence for mediation, and what procedures and safeguards should be employed;
- Assess the impact of family violence coordinating councils in improving the procedures and practices used by and the services available to courts in family violence cases, in order to identify techniques and procedures for improving their operation and effectiveness;
- Evaluate the effectiveness of the innovative programs, procedures, and strategies used by courts to improve their responsiveness to the needs of victims of family violence, and the fair and effective adjudication and disposition of cases involving family violence.

iii. Improve the effectiveness and operating efficiency of juvenile and family courts, including projects to:

- Develop information for judges and court staff on, and appropriate special procedures for determining release, protecting witnesses, adjudicating, and developing dispositions in cases involving gang members;
- Assess the rule and effectiveness of courts with jurisdiction over juveniles and families in light of the upcoming 100th anniversary of the establishment of the first juvenile court, and identify the changes that may be needed as these courts enter the 21st century;
- Define the rules, enhance the training, and assure the effective use of guardians ad litem;
- Develop and test educational materials and curricula to assist judges in determining the best interest of a child when an adoption is contested;
- Improve the capacity of courts, regardless of structure, to expeditiously coordinate multiple cases involving members of the same family, and obtain and appropriately use social and psychological information gathered in one case involving a family member in a case involving another family member; and
- Improve the handling of the criminal and civil aspects of interstate and international parental child abductions.

In previous funding cycles, the Institute supported a national and a State symposium on courts, children, and the family; the development of protocols and a benchbook on the questioning of child witnesses; the preparation of educational materials on making reasonable efforts to preserve families, adjudicating allegations of child sexual abuse when custody is in dispute, child victimization, handling child abuse and neglect cases when parental substance abuse is involved, and on children as the silent victims of spousal abuse; and examinations of supervised visitation programs, effective court responses when domestic violence and custody disputes coincide, and foster care review procedures.

The Institute has also supported a national and several State conferences on family violence and the courts, as well as projects supporting the action plans developed at those conferences; preparation of descriptions of innovative court practices in family violence cases; evaluations of the use of court-order treatment for domestic violence offenders, alternatives to adjudication in child abuse and neglect cases, and the use of a court-enforced treatment program for batterers who are also substance abusers; the exploration of the policy issues related to the mediation of domestic relations cases involving allegations of family violence; the preparation of educational materials for judges on family violence issues; and the testing of videotapes and other educational programs for the parties in divorce actions and their children.

Finally, the Institute has supported a national symposium on enhancing coordination of cases involving the same family that are being heard in different courts; examinations to document the nature and extent of the coordination problem and demonstrations of innovative approaches for improving intra-court coordination; technical assistance to States considering establishment of a family court; development of a State-based training program for guardians ad litem; examination of the authority of the juvenile court to enforce treatment orders and the role of juvenile court judges; and development of innovative approaches for coordinating services for children and youth.

d. *Application of Technology.* This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trial and appellate court levels.

The Institute seeks to support local experiments with promising but untesting applications of technology in the courts that include a structured evaluation of the impact of the technology in terms of costs, benefits, and staff workload, and an educational component to assure that the staff is appropriately informed regarding the purpose and use of the new technology. In this context, ''untested'' refers to novel applications of technology developed for the private sector and other fields that have not previously been applied to the courts.

The Institute is particularly interested in supporting efforts to determine what benefits and problems may occur as a result of courts entering the ''information superhighway,'' including projects to establish standards for judicial electronic data interchange (EDI); and local, Statewide, and/or interstate demonstrations of the courts' use of EDI (i.e., the exchange of documents or data in a computerized format that enables courts to process or perform work electronically on the documents received) beyond simply image transfer (facsimile or computer-imaging). In addition, the Institute is interested in demonstrations and evaluation of the effective use of management information systems to monitor, assess, and predict evolving court needs; and innovative information system links between courts and criminal justice, social service, and treatment agencies.

Ordinarily, the Institute will not provide support for the purchase of equipment or software in order to implement a technology that has been

thoroughly tested in other jurisdictions such as the establishment of videolinks between courts and jails, the use of optical imaging for recordkeeping, and the creation of an automated management information system. (See section XI.H.2.b. regarding other limits on the use of grant funds to purchase equipment and software.)

In previous funding cycles, grants have been awarded to support:

Demonstration and evaluation of communications technology, e.g., interactive computerized information systems to assist pro se litigants; the use of FAX technology by courts; a multi-user ''system for judicial interchange'' designed to link disparate automated information systems and share court information among judicial system offices throughout a State without replacement of the various hardware and software environments which support individual courts; a computerized voice information system permitting parties to access by telephone information pertaining to their cases, an automated public information directory of courthouse facilities and services; an automated appellate court bulletin board; and a computer-integrated courtroom that provides full access to the judicial system for hearing-impaired jurors, witnesses, crime victims, litigants, attorneys, and judges.

Demonstration and evaluation of records technology, including: the development of a court management information display system; the integration of bar-coding technology with an existing automated case management system; an on-bench automated system for generating and processing court orders; an automated judicial education management system; testing of a document management system for small courts that uses imaging technology, and of automated telephone docketing for circuit-riding judges; and evaluation of the use of automated teller machines for paying jurors.

Court technology assistance services, e.g., circulation of a court technology bulletin designed to inform judges and court managers about the latest developments in court-related technologies; creation of a court technology laboratory to provide judges and court managers with the opportunity to test automated court-related systems; enhancement of a data base documenting automated systems currently in use in courts across the country; establishment of a technical information service to respond to specific inquiries concerning court-related technologies; development of court automation performance standards; and an assessment of programs that allow public access to electronically stored court information.

Grants also provided support for national court technology conferences; preparation of guidelines on privacy and public access to electronic court information and on court access to the information superhighway; the testing of a computerized citizen intake and referral service; development of an ''analytic judicial desktop system'' to assist judges in making sentencing decisions; implementation and evaluation of a Statewide automated integrated case docketing and record-keeping system; a prototype computerized benchbook using hypertext technology; and computer simulation models to assist State courts in evaluating potential strategies for improving civil caseflow.

e. *Improving the Court's Response to Gender-Related Crimes of Violence.* This category includes the development, testing, presentation, and dissemination of education programs for State; and local court judges and court personnel on:

- The effective use and enforcement of protective orders and the implications of mutual orders of protection;
- Evidentiary issues arising in gender-related criminal cases, including the use of expert testimony and the application of rape shield laws and their limits on the introduction of evidence of the cross-examination of witnesses;
- The use of self-defense and provocation defenses by alleged victims of gender-related violence accused of assaulting or killing their alleged abusers; and
- Sentencing decision-making in cases involving gender-related crimes of violence.

Institute funds may not be used to provide operational support to programs offering direct services or compensation to victims of crimes.

In previous funding cycles, the Institute supported a national conference on family violence and the courts, and follow-up conferences and technical assistance in several States; development of curricula for judges on handling stranger and non-stranger rape and sexual assault cases and on family violence; evaluation of the effectiveness of court-ordered treatment for family violence offenders; a demonstration of ways to improve court processing of injunctions for protection and a study of ways to improve the effectiveness of civil protection orders for family violence victims; an examination of state-of-the-art court practices for handling family violence cases and of ways to improve access to rural courts for victims of family violence; and preparation of an analysis of the issues related to the use of expert testimony in criminal cases involving domestic violence.

f. *The Relationship Between State and Federal Courts.* This category includes education, research, demonstration, and evaluation projects designed to facilitate appropriate and effective communication, cooperation, and coordination between State and Federal courts. The Institute is particularly interested in innovative education, evaluation, demonstration, technical assistance, and research projects that:

i. Build upon the findings and recommendations made at the Institute-supported National Conference on the Management of Mass Tort Cases held in November, 1994. (A summary of the recommendations and findings from the conference was published in the Winter 1995 issue of *SJI NEWS*.)

ii. Develop and test curricula and other educational materials to:

- illustrate effective methods being used at the trial court, State, and Circuit levels to coordinate cases and administrative activities; and
- conduct regional conferences replicating the 1992 National Conference on State/Federal Judicial Relationships.

iii. Develop and test new approaches to:

- handle capital habeas corpus cases fairly and efficiently;
- coordinate related State and Federal criminal cases;
- coordinate cases that may be brought under the Violence Against Women Act;
- exchange information and coordinate calendars among State and Federal courts; and
- share jury pools, alternative dispute resolution programs, and court services.
- In previous funding cycles, the Institute has supported national and regional conferences on State-Federal judicial relationships, a national conference on mass tort litigation, and the Chief Justices' Special Committee on Mass Tort Litigation. In addition, the Institute has supported projects developing judicial impact statement procedures for national legislation affecting State courts, and projects examining methods of State and Federal court cooperation; procedures for facilitating certification of questions of law; the impact on the State courts of diversity cases and cases brought under section 1983; the procedures used in Federal habeas corpus review of State court criminal cases; the factors that

motivate litigants to select Federal or State courts; and the mechanisms for transferring cases between Federal and State courts, as well as the methods for effectively consolidating, deciding, and managing complex litigation. The Institute has also supported a test of assigning specialized law clerks to trial courts hearing capital cases in order to improve the fairness and efficiency of death penalty litigation at the trial level, a clearinghouse of information on State constitutional law decisions, educational programs for State judges on coordination of Federal bankruptcy cases with State litigation, and a seminar examining the implications of the ''Federalization'' of crime.

g. *Conference Implementation Projects.* In 1995, the Institute sponsored four national conferences on issues of critical importance to the State courts:

- The National Conference on Eliminating Race and Ethnic Bias in the Courts held march 2–5, 1995 in Albuquerque, NM;
- The National Interbranch Conference on Funding the State Courts held September 28–October 1, 1995 in Minneapolis, MN;
- The National Town Hall Meeting on Improving Public Confidence in the Courts convened, via a videoconference, in 11 sites across the country on October 13–14, 1995; and
- The National Symposium on the Implementation and Operation of Drug Courts to be held on December 2–5, 1995 in Portland, OR.

The Institute is interested in supporting education, demonstration, technical assistance, research, and evaluation projects to address the issues or implement the recommendations and State action plans resulting from these conferences. The Institute is particularly interested in supporting:

i. *The National Conference on Eliminating Race and Ethnic Bias in the Courts*—Innovative national, regional, and State projects addressing the non-State specific issues discussed during the Conference, and projects to implement the action plans developed by teams from jurisdictions which were unable to meet the previously announced special October 6, 1995, deadline for concept papers. (For further information about the Conference, contact SJI Program Manager Cheryl D. Reynolds at 703–684–6100, or John Richardson, Research Associate, National Center for State Courts, P.O. Box 7898, Williamsburg, VA 23187–8798, 804–253–2000.)

In previous funding cycles, the Institute has supported several projects to prepare and test curricula and other materials for judges, court personnel, and judicial education faculty on diversity and related issues; and provide information regarding the American justice system for non-English speakers, and improve the quality of court interpreting.

ii. *The National Interbranch Conference on Funding the State Courts*—Innovative projects to develop and test methods for linking assessments of effectiveness, such as the Trial Court Performance Standards, to fiscal planning and budgeting, including service efforts and accomplishments approaches (SEA), performance audits, and performance budgeting; and test innovative programs and procedures for providing clear and open interbranch communications at the State and local levels. (For further information about this conference, contact SJI Deputy Director, Richard Van Duizend 703–684–6100 or Robert Tobin, Senior Research Associate, National Center for State Courts, 1700 N. Moore Street, Suite 1710, Arlington, VA 22209 703–841–0200.)

In previous funding cycles, the Institute has supported projects that examined State court expenditures and staffing; documented methods for determining judgeship needs; prepared a trial court financial management guide; analyzed differing methods for financing court facilities; evaluated techniques for improving collection and administration of monetary penalties and assessments; and presented regional conferences on improving relations between the judicial and legislative branches of government.

iii. *The National Town Hall Meeting on Improving Public Confidence in the Courts*—Innovative projects to implement the findings, recommendations, strategies, and action plans developed by the local receiving sites as well as at the national broadcast site. (For further information about the National Town Hall meeting, contact SJI Program Manager Cheryl D. Reynolds, 703–684–6100; Dr. Pamela Casey, Senior Research Associate, National Center for State Courts P.O. Box 8798, Williamsburg, VA 23187–8798, 804–253–2000; or Kathleen Sampson, Director, Information and Program Services, American Judicature Society, 25 E. Washington Street, Suite 1600, Chicago, IL 60602, 312–558–6900).

For a list of previously funded projects on topics related to the National Town Hall Meeting, see section 11.B.2.a.

iv. *National Symposium on the Implementation and Operation of Drug Courts*—Innovative projects that address the issues, findings, and recommendations resulting from the Symposium, including, but not limited to:

- The development and testing of educational programs for judges and court personnel concerning the management of treatment-based drug court programs;
- The examination of the judicial ethics concerns that may be involved in operating a treatment-based drug court program;
- The preparation of measures, forms, and other tools for self-evaluation of a treatment-based drug court program;
- The development and testing of innovative information systems to facilitate the efficient sharing of information between the court and the agencies and services involved in the operation of an effective treatment-base drug court program; and
- The evaluation of the applicability of court-enforced treatment programs to substance abuse-related cases involving juveniles and cases requiring treatment services in addition to substance abuse treatment (e.g., spousal abuse, child abuse, or mental health cases).

(For further information contact SJI Program Manager Janice Munsterman 703–684–6100 or Caroline Cooper, Justice Programs Office, The American University, 4400 Massachusetts Avenue NW, Brandywine-Suite 660, Washington, DC 20016–8159, 202–885–2875.)

The Institute will not fund projects focused on developing additional assessment tools, establishing court-enforced treatment programs for adult substance abusers, or providing support for basic court or treatment services.

In previous funding cycles, the Institute has sponsored a National Conference on Substance Abuse and the Courts, and State efforts to implement the plans developed at that Conference. It has also helped to support projects to provide technical assistance to State and local courts; identify successful drug case management strategies; conduct seminars on drug case management; and develop a guidebook for implementing drug case processing initiatives; as well as to conduct regional training programs for State judges and legislators on substance abuse treatment. In addition, SJI has supported the evaluation of: court-enforced treatment programs initiated by the Dade County, Florida, Pulaski County, Arkansas, and New York City courts; special court-ordered programs for women offenders, and other court-based alcohol and drug assessment programs; replication of the Dade County program in non-urban sites; assessments of the impact of legislation and court decisions dealing

with drug-affected infants, and strategies for coping with increasing caseload pressures; development of a benchbook and other educational materials to assist judges in child abuse and neglect cases involving parental substance abuse and in developing appropriate sentences for pregnant substance abusers; tests of the use of a dual diagnostic treatment model for domestic violence cases in which substance abuse was a factor; and presentation of local and regional educational programs for judges and other court personnel on substance abuse and its treatment.

C. Technical Assistance Grants

1. *Description of the Program.* The Board will set aside up to $400,000 of Fiscal Year 1996 funds to support the provision of technical assistance to State and local courts. The exact amount to be awarded for these grants will depend on the number and quality of the applications submitted in this category and other categories of the Guideline. It is anticipated, however, that at least $100,000 will be available each quarter to support Technical Assistance grants. The program is designed to provide State and local courts with sufficient support to obtain technical assistance to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes.

Technical Assistance grants are limited to no more than $30,000 each, and may cover the cost of obtaining the services of expert consultants, travel by a team of officials from one court to examine a practice, program, or facility in another jurisdiction that the applicant court is interested in replicating, or both. Technical assistance grant funds ordinarily may not be used to support production of a videotape. Normally, the technical assistance must be completed within 12 months after the start-date of the grant.

2. *Eligibility for Technical Assistance Grants.* Only a State or local court may apply for a Technical Assistance grant. As with other awards to State or local courts, cash or in-kind match must be provided equal to at least 50% of the grant amount.

3. *Review Criteria.* Technical Assistance grants will be awarded on the basis of criteria including: whether the assistance would address a critical need of the court; the soundness of the technical assistance approach to the problem; the qualifications of the consultant(s) to be hired, or the specific criteria that will be used to select the consultant(s); commitment on the part of the court to act on the consultant's recommendations; and the reasonableness of the proposed budget. The Institute also will consider factors such as the level and nature of the match that would be provided, diversity of subject matter, geographic diversity, and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

The Board has delegated its authority to approve these grants to its Technical Assistance Committee.

4. *Application Procedures.* In lieu of formal applications, applicants for Technical Assistance grants may submit, at any time, an original and three copies of a detailed letter describing the proposed project and addressing the issues listed below. Letters from an individual trial or appellate court must be signed by the presiding judge or manager of that court. Letters from the State court system must be signed by the Chief Justice or State Court Administrator.

Although there is no prescribed form for the letter nor a minimum or maximum page limit, letters of application should include the following information to assure that each of the criteria is addressed:

a. *Need for Funding.* What is the critical need facing the court? How will the proposed technical assistance help the court to meet this critical need? Why cannot State or local resources fully support the costs of the required consultant services?

b. *Project Description.* What tasks would the consultant be expected to perform and how would they be accomplished? Who (organization or individual) would be hired to provide the assistance and how was this consultant selected? If a consultant has not yet been identified, what procedures and criteria would be used to select the consultant? (Applicants are expected to follow their jurisdiction's normal procedures for procuring consultant services.) What is the time frame for completion of the technical assistance? How would the court oversee the project and provide guidance to the consultant, and who at the court would be responsible for coordinating all project tasks and submitting quarterly progress and financial status reports?

If the consultant has been identified, a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed time period and for the proposed cost should accompany the applicant's letter. The consultant must agree to submit a detailed written report to the court and the Institute upon completion of the technical assistance.

c. *Likelihood of Implementation.* What steps have been/will be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance? For example, if the support or cooperation of specific court officials or committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the changes recommended by the consultant and approved by the court, how will they be involved in the review of the recommendations and development of the implementation plan?

d. *Budget and Matching State Contribution.* A completed Form E, ''Preliminary Budget'' (see Appendix V to the Grant Guideline), must be included with the applicant's letter requesting technical assistance. Please note that the estimated cost of the technical assistance services should be broken down into the categories listed on the budget form rather than aggregated under the Consultant/Contractual category. The budget narrative should provide the basis for all project-related costs, including the basis for determining the estimated consultant costs (e.g., number of days per task times the requested daily consultant rate). In addition, the budget should provide for submission of two copies of the consultant's final report to the Institute.

e. *Support for the Project from the State Supreme Court or its Designated Agency or Council.* Written concurrence on the need for the technical assistance must be submitted. This concurrence may be a copy of SJI Form B (see Appendix VI) signed by the Chief Justice of the State Supreme Court or the Chief Justice's designee, or a letter from the State Chief Justice or designee. The concurrence may be submitted with the applicant's letter or under separate cover prior to consideration of the application. The concurrence also must specify whether the State Supreme Court would receive, administer, and account for the grant funds, if awarded, or would designate the local court or a specified agency or council to receive the funds directly.

Letters of application may be submitted at any time; however, all of the letters received during a calendar quarter will be considered at one time. Applicants submitting letters between September 30 and December 22, 1995 will be notified of the Board's decision by March 22, 1996; those submitting letters between December 23, 1995 and March 29, 1996 will be notified by July

1, 1996. Notification of the Board's decisions concerning letters mailed between March 30 and June 17, 1996 will be made by August 31, 1996. Subject to the availability of sufficient appropriations for fiscal year 1997, applicants submitting letters between June 18 and September 30, 1996 will be notified by December 17, 1996.

If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant, would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation must accompany the application letter. Support letters also may be submitted under separate cover; however, to ensure that there is sufficient time to bring them to the attention of the Board's Technical Assistance Committee, letters sent under separate cover must be received not less than two weeks prior to the Board meeting at which the technical assistance requests will be considered (i.e., by February 14, 1996; May 29, 1996, and July 11, 1996).

5. *Grantee Responsibilities.* Technical Assistance grant recipients are subject to the same quarterly reporting requirements as other Institute grantees. At the conclusion of the grant period, a Technical Assistance grant recipient must complete a Technical Assistance Evaluation Form. The grantee also must submit to the Institute two copies of a final report that explains how it intends to act on the consultant's recommendations as well as two copies of the consultant's written report.

III. Definitions

The following definitions apply for the purposes of this guideline:

A. Institute

The State Justice Institute.

B. State Supreme Court

The highest appellate court in a State, or, for the purposes of the Institute program, a constitutionally or legislatively established judicial council that acts in place of that court. In States having more than one court with final appellate authority, State Supreme Court shall mean that court which also has administrative responsibility for the State's judicial system. State Supreme Court also includes the office of the Court or council, if any, it designates to perform the functions described in this Guideline.

C. Designated Agency or Council

The office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer, and be accountable for those funds.

D. Grantee

The organization, entity, or individual to which an award of Institute funds is made. For a grant based on an application from a State or local court, grantee refers to the State Supreme Court or its designee.

E. Subgrantee

A State or local court which receives Institute funds through the State Supreme Court.

F. Match

The portion of project costs not borne by the Institute. Match includes both in-kind and cash contributions. Cash match is the direct outlay of funds by the grantee to support the project. In-kind match consists of contributions of time, services, space, supplies, etc., made to the project by the grantee or others (e.g., advisory board members) working directly on the project. Under normal circumstances, allowable match may be incurred only during the project period. When appropriate, and with the prior written permission of the Institute, match may be incurred from the date of the Institute Board of Directors' approval of an award. Match does not include project-related income such as tuition or revenue from the sale of grant products, or the time of participants attending an education program. Amounts contributed as cash or in-kind match may not be recovered through the sale of grant products during or following the grant period.

G. Continuation Grant

A grant of no more than 24 months to permit completion of activities initiated under an existing Institute grant or enhancement of the programs or services produced or established during the prior grant period.

H. On-going Support Grant

A grant of up to 36 months to support a project that is national in scope and that provides the State courts with services, programs or products for which there is a continuing important need.

I. Human Subjects

Individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions and/or experiences through an interview, questionnaire, or other data collection technique(s).

J. Curriculum

The materials needed to replicate an education or training program developed with grant funds including, but not limited to: the learning objectives; the presentation methods; a sample agenda or schedule; an outline of presentations and other instructors' notes; copies of overhead transparencies or other visual aids; exercises, case studies, hypotheticals, quizzes and other materials for involving the participants; background materials for participants; evaluation forms; and suggestions for replicating the program including possible faculty or the preferred qualifications or experience of those selected as faculty.

K. Products

Tangible materials resulting from funded projects including, but not limited to: curricula; monographs; reports; books; articles; manuals; handbooks; benchbooks; guidelines; videotapes; audiotapes; and computer software.

IV. Eligibility for Award

In awarding funds to accomplish these objectives and purposes, the Institute has been authorized by Congress to award grants, cooperative agreements, and contracts to State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)); national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705(b)(1)(B)); and national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)).

An applicant will be considered a national education and training applicant under section 10705(b)(1)(C) if: (1) the principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and (2) the applicant demonstrates a record of substantial experience in the field of judicial education and training.

The Institute also is authorized to make awards to other nonprofit organizations with expertise in judicial administration, institutions of higher education, individuals, partnerships, firms, corporations, and private agencies with expertise in judicial administration, provided that the objectives of the relevant program area(s) can be served better. In making this judgment, the Institute will consider the likely replicability of the projects' methodology and results in

other jurisdictions. For profit organizations are also eligible for grants and cooperative agreements; however, they must waive their fees.

The Institute may also make awards to Federal, State or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements.

In addition, the Institute may enter into inter-agency agreements with other public or private funders to support projects consistent with the purpose of the State Justice Institute Act.

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court or its designated agency or council. The latter shall receive all Institute funds awarded to such courts and be responsible for assuring proper administration of Institute funds, in accordance with section XI.B.2. of this Guideline. A list of persons to contact in each State regarding approval of applications from State and local courts and administration of Institute grants to those courts is contained in Appendix I.

V. Types of Projects and Grants; Size of Awards

A. Types of Projects

Except as expressly provided in section II.B.2.b. and II.C. above, the Institute has placed no limitation on the overall number of awards or the number of awards in each special interest category. The general types of projects are:

1. Education and training;
2. Research and evaluation;
3. Demonstration; and
4. Technical assistance.

B. Types of Grants

The Institute has established the following types of grants:

1. New grants (See sections VI. and VII.).
2. Continuation grants (See sections III.H. and IX.A).
3. On-going Support grants (See sections III.I. and IX.B.).
4. Technical Assistance grants (See section II.C.).
5. Curriculum Adaptation grants (See section II.B.2.b.ii.).
6. Scholarships (See section II.B.2.b.iii).

C. Maximum Size of Awards

1. Except as specified below, applications for new projects and applications for continuation grants may request funding in amounts up to $200,000, although new and continuation awards in excess of $150,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally.

2. Applications for on-going support grants may request funding in amounts up to $600,000. At the discretion of the Board, the funds for on-going support grants may be awarded either entirely from the Institute's appropriations for the fiscal year of the award or from the Institute's appropriations for successive fiscal years beginning with the fiscal year of the award. When funds to support the full amount of an on-going support grant are not awarded from the appropriations for the fiscal year of award, funds to support any subsequent years of the grant will be made available upon (1) the satisfactory performance of the project as reflected in the quarterly Progress Reports required to be filed and grant monitoring, and (2) the availability of appropriations for that fiscal year.

3. Applications for technical assistance grants may request funding in amounts up to $30,000.

4. Applications for curriculum adaptation grants may request funding in amounts up to $20,000.

5. Applications for scholarships may request funding in amounts up to $1,500.

D. Length of Grant Periods

1. Grant periods for all new and continuation projects ordinarily will not exceed 15 months.

2. Grant periods for on-going support grants ordinarily will not exceed 36 months.

3. Grant periods for technical assistance grants and curriculum adaptation grants ordinarily will not exceed 12 months.

VI. Suspension of the Concept Paper Submission Requirement

Because of its reduced appropriation for FY 1996, the Institute is not using concept papers as part of its funding process this year, except for the special funding cycle announced previously to follow up on the National Conference on Eliminating Race and Ethnic Bias in the Courts. Courts, organizations, and individuals seeking a new grant to support a project must file a full application meeting the requirements set forth in Chapter VII. of this Guideline, unless the applicant is seeking a grant under the Institute's Curriculum Adaptation, Scholarship, or Technical Assistance grant programs. (See sections II.B.2.b. ii and iii, and section II.C., respectively)

VII. Application Requirements for New Projects

An application for Institute funding support must include an application form; budget forms (with appropriate documentation); a project abstract and program narrative; a disclosure of lobbying form, when applicable; and certain certifications and assurances. These required application forms are described below and are included in Appendix VII. They also may be requested via E-mail (SJI@clark.net) or by calling the Institute and requesting a copy (703–684–6100). Applicants may photocopy the forms to make completion easier.

A. Forms

1. Application Form (FORM A)

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding support requested from the Institute. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete, that submission of the application has been authorized by the applicant, and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in Form D.

2. Certificate of State Approval (FORM B)

An application from a State or local court must include a copy of FORM B signed by the State's Chief Justice or Chief Judge, the director of the designated agency, or the head of the designated council. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. It denotes further that if funding for the project is approved by the Institute, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

3. Budget Forms (FORM C or C1)

Applicants may submit the proposed project budget either in the tabular format of FORM C or in the spreadsheet format of FORM C1. Applicants requesting $100,000 or more are strongly encouraged to use the spreadsheet format. If the proposed project period is for more than a year, a separate form should be submitted for each year or portion of a year for which grant support is requested.

In addition to FORM C or C1, applicants must provide a detailed

budget narrative providing an explanation of the basis for the estimates in each budget category. (See section VII.D.)

If funds from other sources are required to conduct the project, either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

4. Assurances (FORM D)

This form lists the statutory, regulatory, and policy requirements and conditions with which recipients of Institute funds must comply.

5. Disclosure of Lobbying Activities

This form requires applicants other than units of State or local government to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. (See section X.D.)

B. Project Abstract

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed one single-spaced page on 8½ by 11 inch paper.

C. Program Narrative

The program narrative for an application proposing a single project should not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins must not be less than 1 inch, and type no smaller than 12-point and 12 cpi must be used. The page limit does not include the forms, the abstract, the budget narrative, and any appendices containing resumes and letters of cooperation or endorsement. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

1. Project Objectives

The applicant should include a clear, concise statement of what the proposed project is intended to accomplish. In stating the objectives of the project, applicants should focus on the overall programmatic objective (e.g., to enhance understanding and skills regarding a specific subject, or to determine how a certain procedure affects the court and litigants) rather than on operational objectives (e.g., provide training for 32 judges and court managers, or review data from 300 cases).

2. Program Areas to be Covered

The applicant should list the Special Interest Category(ies) that is(are) addressed by the proposed project (see section II.B.). If the proposed project does not fall within one of the Institute's Special Interest Categories, the applicant should list the Statutory Program Area(s) that is(are) addressed by the proposed project. (See section II.A.).

3. Need for the Project

If the project is to be conducted in a specific location(s), the applicant should discuss the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services or other resources.

If the project is not site-specific, the applicant should discuss the problems that the proposed project would address, and why existing materials, programs, procedures, services or other resources do not adequately resolve those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

4. Tasks, Methods and Evaluation

a. *Tasks and Methods.* The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task. For example:

i. *For research and evaluation projects,* the applicant should include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods should address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom for risk or harm, and the protection of others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to the human subjects, a discussion should be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk.

ii. *For education and training projects,* the applicant should include the adult education techniques to be used in designing and presenting the program, including the teaching/learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants; how faculty will be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars or workshops to be conducted; the materials to be provided and how they will be developed; and the cost to participants.

iii. *For demonstration projects,* the applicant should include the demonstration sites and the reasons they were selected, or if the sites have not been chosen, how they will be identified and their cooperation obtained; and how the program or procedures will be implemented and monitored.

iv. *For technical assistance projects,* the applicant should explain the types of assistance that will be provided; the particular issues and problems for which assistance will be provided; how requests will be obtained and the type of assistance determined; how suitable providers will be selected and briefed; how reports will be reviewed; and the cost to recipients.

b. *Evaluation.* Every project design must include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology or services tested; or the validity and applicability of the research conducted. In addition, where appropriate, the evaluation process should be designed to provide on-going or periodic feed back on the effectiveness or utility of particular programs, educational offerings, or achievements which can then be further refined as a result of the evaluation process. The plan should present the qualifications of the evaluator(s); describe the criteria, related to the project's programmatic objectives, that will be used to evaluate the project's effectiveness; explain how the evaluation will be conducted, including the specific data collection and analysis techniques to be used; discuss why this approach is appropriate; and present a schedule for completion of the evaluation within the proposed project period.

The evaluation plan should be appropriate to the type of project proposed. For example:

i. An evaluation approach suited to many *research* projects is a review by an advisory panel of the research methodology, data collection instruments, preliminary analyses, and products as they are drafted. The panel

should be comprised of independent researchers and practitioners representing the perspectives affected by the proposed project.

ii. The most valuable approaches to evaluating *educational or training* programs will serve to reinforce the participants' learning experience while providing useful feedback on the impact of the program and possible areas for improvement. One appropriate evaluation approach is to assess the acquisition of new knowledge, skills, attitudes or understanding through participant feedback on the seminar or training event. Such feedback might include a self-assessment on what was learned along with the participant's response to the quality and effectiveness of faculty presentations, the format of sessions, the value or usefulness of the material presented and other relevant factors. Another appropriate approach would be to use an independent observer who might request verbal as well as written responses from participants in the program. When an education project involves the development of curricular materials an advisory panel of relevant experts can be coupled with a test of the curriculum to obtain the reactions of participants and faculty as indicated above.

iii. The evaluation plan for a *demonstration* project should encompass an assessment of program effectiveness (e.g., how well did it work?); user satisfaction, if appropriate; the cost-effectiveness of the program; a process analysis of the program (e.g., was the program implemented as designed? did it provide the services intended to the targeted population?); the impact of the program (e.g., what effect did the program have on the court? what benefits resulted from the program?); and the replicability of the program or components of the program.

iv. For *technical assistance* projects, applicants should explain how the quality, timeliness, and impact of the assistance provided will be determined, and should develop a mechanism for feedback from both the users and providers of the technical assistance.

v. Evaluation plans involving *human subjects* should include a discussion of the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and the protection of others who are not the subjects of evaluation but would be affected by it. Other than the provision of confidentiality to respondents, human subjects protection issues ordinarily are not applicable to participants evaluating an education program.

5. Project Management

The applicant should present a detailed management plan including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that will be used to ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project time line, Gantt Chart, or schedule, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination will occur within the proposed project period. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter (i.e., no later than January 30, April 30, July 30, and October 30).

Applicants should be aware that the Institute is unlikely to approve more than one limited extension of the grant period. Therefore, the management plan should be as realistic as possible and fully reflect the time commitments of the proposed project staff and consultants.

6. Products

The application should contain a description of the products to be developed by the project (e.g., training curricula and materials, videotapes, articles, manuals, or handbooks), including when they will be submitted to the Institute.

a. Dissemination Plan. The application must explain how and to whom the products will be disseminated; describe how they will benefit the State courts including how they can be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant will be offered to the courts community and the public at large (i.e. whether products will be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). (see section X.V.) Ordinarily, applicants should schedule all product preparation and distribution activities within the project period. Applicants also must submit a diskette containing a one-page abstract summarizing the products resulting from a project in Word, WordPerfect or ASCII. The abstract should include the grant number and the name of a contact person together with that individual's address, telephone number, and e-mail address (if applicable).

A copy of each product must be sent to the library established in each State to collect the materials developed with Institute support. (A list of these libraries is contained in Appendix II.) To facilitate their use, all videotaped products should be distributed in VHS format.

Twenty copies of all project products, must be submitted to the Institute. A master copy of each videotape, in addition to 20 copies of each videotape product, must also be provided to the Institute.

b. Types of Products, The type of products to be prepared depend on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive summary that will be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they will make their data available for secondary analysis after the grant period. (See section X.W.)

The curricula and other products developed by education and training projects should be designed for use outside the classroom so that they may be used again by original participants and others in the course of their duties.

c. Institute Review. Applicants must provide for submitting a final draft of written grant product(s) to the Institute for review and approval at least 30 days before the product(s) are submitted for publication or reproduction. For products in a videotape or CD-ROM format, applicants must provide for incremental Institute review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of the Institute.

d. Acknowledgment, Disclaimer, and Logo. Applicants must also provide for including in all project products a prominent acknowledgment that support was received from the Institute and a disclaimer paragraph based on the example provided in section X.Q. of the Guideline. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a video product, unless the Institute approves another placement.

7. Applicant Status

An applicant that is not a State or local court and has not received a grant from the Institute within the past two years should state whether it is either a national non-profit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the education and training of State court judges and support personnel. See section IV. If the applicant is a nonjudicial unit of Federal, State, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

8. Staff Capability

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that will be used to select persons for these positions should be included.

9. Organizational Capacity

Applicants that have not received a grant from the Institute within the past two years should include a statement describing the capacity of the applicant to administer grant funds including the financial systems used to monitor project expenditures (and income, if any) and a summary of the applicant's past experience in administering grants, as well as any resources or capabilities that the applicant has that will particularly assist in the successful completion of the project.

If the applicant is a non-profit organization (other than a university), it must also provide documentation of its 501(c) tax exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For purposes of this requirement, ''current'' means no earlier than two years prior to the current calendar year. If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be signed by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability questionnaire, or both, if specifically requested to do so by the Institute.

Unless requested otherwise, an applicant that has received a grant from the Institute within the past two years should describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant.

10. Statement of Lobbying Activities

Non-governmental applicants must submit the Institute's Disclosure of Lobbying Activities Form that requires them to state whether they, or another entity that is a part of the same organization as the applicant, have advocated a position before Congress on any issue, and identifies the specific subjects of their lobbying efforts.

11. Letters of Support for the Project

If the cooperation of courts organizations, agencies or individuals other than the applicant is required to conduct the project, the applicant should attach written assurances of cooperation and availability to the application, or send them under separate cover. In order to ensure that there is sufficient time to bring them to the Board's attention, letters of support sent under separate cover must be received at least four weeks before the meeting of the Board of Directors at which the application will be considered (i.e., no later than February 1, 1996, May 16, 1996, June 28, 1996, or August 22, 1996, respectively).

D. Budget Narrative

The budget narrative should provide the basis for the computation of all project-related costs. Additional background or schedules may be attached if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged.

The budget narrative should cover the costs of all components of the project and clearly identify costs attributable to the project evaluation. Under OMB grant guidelines incorporated by reference in this Guideline, grant funds may not be used to pay for coffee breaks during seminars or meetings, or to purchase alcoholic beverages.

1. Justification of Personnel Compensation

The applicant should set forth the percentages of time to be devoted by the individuals who will serve as the staff of the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rate of those individuals. The applicant should explain any deviations from current rates or established written organization policies. If grant funds are requested to pay the salary and related costs for a current employee of a court or other unit of government, the applicant should explain why this would not constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706(d)(1). An acceptable explanation may be that the position to be filled is a new one established in conjunction with the project or that the grant funds will be supporting only the portion of the employee's time that will be dedicated to new or additional duties related to the project.

2. Fringe Benefit Computation

The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented as well as a description of the elements included in the determination of the percentage rate.

3. Consultant/Contractual Services and Honoraria

The applicant should describe the tasks each consultant will perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (e.g., number of days × the daily consultant rates), and the method for selection. Rates for consultant services must be set in accordance with section XI.H.2.c. Honorarium payments must be justified in the same manner as other consultant payments.

4. Travel

Transporation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates shall be consistent with those established by the Institute or the Federal Government. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose for travel should also be included in the narrative.

5. Equipment

Grant funds many be used to purchase only the equipment that is necessary to demonstrate a new technological application in a court, or that is otherwise essential to accomplishing the objectives of the project. Equipment purchases to support basic court operations ordinarily will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is

essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases for automatic data processing equipment must comply with section XI.H.2.b.

6. Supplies

The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.

7. Construction

Construction expenses are prohibited except for the limited purposes set forth in section X.H.2. Any allowable construction or renovation expense should be described in detail in the budget narrative.

8. Telephone

Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative. Also, applicants should provide the basis used in developing the monthly and long distance estimates.

9. Postage

Anticipated postage costs for project-related mailings should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine operational mailing costs. The bases for all postage estimates should be included in the justification material.

10. Printing/Photocopying

Anticipated costs for printing or photocopying should be included in the budget narrative. Applicants should provide the details underlying these estimates in support of the request.

11. Indirect Costs

Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (e.g., a percentage of the time of senior managers to supervise product activities), the applicant should specify that these costs are not included within their approved indirect cost rate. These rates must be established in accordance with section XI.H.4. If the applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement should be attached to the application.

12. Match

The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project should be described in this section of the budget narrative as well. If in-kind match is to be provided, the applicant should describe how the amount and value of the time, services or materials actually contributed will be documented sufficiently clearly to permit them to be included in an audit of the grant. Applicants should be aware that the time spent by participants in education courses does not qualify as in-kind match. (Samples of forms used by current grantees to track in-kind match are available from the Institute upon request.

Applicants that do not contemplate making machine contributions continuously throughout the course of the project or on a task-by-task basis must provide a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. (See sections III.F., VIII.B., X.B. and XI.D.1.)

E. Submission Requirements

1. An application package containing the application, an original signature on FORM A (and on FORM B, if the application is from a State or local court, or on the Disclosure of Lobbying Form if the applicant is not a unit of State or local government), and four photocopies of the application package must be sent by first class or overnight mail, or by courier no later than February 14, 1996. A postmark or courier receipt will constitute evidence of the submission date. Please mark APPLICATION on all application package envelopes and send to: State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314.

Receipt of each proposal will be acknowledged in writing. Extensions of the deadline for receipt of applications will not be granted. See section VII.C.11. for receipt deadlines for letters of support.

2. Applicants submitting more than one application may include material that would be identical in each application in a cover letter, and incorporate that material by reference in each application. The incorporated material will be counted against the 25-page limit for the program narrative. A copy of the cover letter should be attached to each copy of each application.

VIII. Application Review Procedures

A. Preliminary Inquiries

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter acknowledging receipt of the application.

B. Selection Criteria

1. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

a. The soundness of the methodology;

b. The demonstration of need for the project;

c. The appropriateness of the proposed evaluation design;

d. The applicant's management plan and organizational capabilities;

e. The qualifications of the project's staff;

f. The products and benefits resulting from the project including the extent to which the project will have long-term benefits for State courts across the Nation;

g. The degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

h. The reasonableness of the proposed budget;

i. The demonstration of cooperation and support of other agencies that may be affected by the project; and

j. The proposed project's relationship to one of the ''Special Interest'' categories set forth in section II.B.

2. In determining which applicants to fund, the Institute will also consider whether the applicant is a State court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under the Institute's enabling legislation (see 42 U.S.C. 10705(6) (as amended) and Section IV above); the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the applicant's match; the extent to which the proposed project would also benefit the Federal courts or help State courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to the Institute in the current year and the amount expected to be available in succeeding fiscal years.

C. Review and Approval Process

Applications will be reviewed competitively by the Board of Directors. The Institute staff will prepare a narrative summary of each application,

and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for a grant. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

D. Return Policy

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provisions of the Federal Freedom of Information Act, 5 U.S.C. 552.

E. Notification of Board Decision

The Institute will send written notice to applicants concerning all Board decisions to approve or deny their respective applications and the key issues and questions that arose during the review process. A decision by the Board to deny and application may not be appealed, but does not prohibit resubmission of a proposal based on that application in a subsequent round of funding. The Institute will also notify the designated State contact listed in Appendix I when grants are approved by the Board to support projects that will be conducted by or involve courts in their State.

F. Response to Notification of Approval

Applicants have 30 days from the date of the letter notifying them that the Board has approved their application to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to the Institute within 30 days after notification, the approval will be automatically rescinded and the application presented to the Board for reconsideration.

IX. Renewal Funding Procedures and Requirements

The Institute recognizes two types of renewal funding as described below—''continuation grants'' and ''on-going support grants.'' The award of an initial grant to support a project does not constitute a commitment by the Institute to renew funding. The Board of Directors anticipates allocating no more than $2 million of available FY 1996 grant funds for renewal grants. In reviewing applications for renewal grants, the Board will consider a number of factors in addition to the criteria set forth in section VIII.B., including whether continuing the project would provide assistance in finding solutions to current court problems; whether the project has national impact; whether the project is being run in an efficient and cost-effective manner; and whether the project could operate in the future or its products could be implemented without additional SJI grant assistance.

A. Continuation Grants

1. Purpose and Scope

Continuation grants are intended to support projects with a limited duration that involve the same type of activities as the previous project. They are intended to enhance the specific program or service produced or established during the prior grant period. They may be used, for example, when a project is divided into two or more sequential phases, for secondary analysis of data obtained in an Institute-supported research project, or for more extensive testing of an innovative technology, procedure, or program developed with SJI grant support.

In order for a project to be considered for continuation funding, the grantee must have completed the project tasks and met all grant requirements and conditions in a timely manner, absent extenuating circumstances or prior Institute approval of changes to the project design. Continuation grants are not intended to provide support for a project for which the grantee has underestimated the amount of time or funds needed to accomplish the project tasks.

2. Application Procedures—Letters of Intent

Unless specifically invited to submit a renewal application by the Institute, a grantee seeking a continuation grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for renewal funding becomes apparent but no less than 120 days before the end of the current grant period.

a. A letter of intent must be no more than 3 single-spaced pages on 8½ by 11 inch paper and must contain a concise but thorough explanation of the need for continuation; an estimate of the funds to be requested; and a brief description of anticipated changes in scope, focus or audience of the project.

b. Letters of intent will not be reviewed competitively. Institute staff will review the proposed activities for the next project period and, within 30 days of receiving a letter of intent, inform the grantee of specific issues to be addressed in the continuation application and the date by which the application for a continuation grant must be submitted.

3. Application Format

An application for a continuation grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in section VII.B., a program narrative, a budget narrative, a disclosure of lobbying form (from applicants other than units of State or local government), and certain certifications and assurances.

The program narrative should conform to the length and format requirements set forth in section VII.C. However, rather than the topics listed in section VII.C., the program narrative of an application for a continuation grant should include:

a. *Project Objectives.* The applicant should clearly and concisely state what the continuation project is intended to accomplish.

b. *Need for Continuation.* The applicant should explain why continuation of the project is necessary to achieve the goals of the project, and how the continuation will benefit the participating courts or the courts community generally. That is, to what extent will the original goals and objectives of the project be unfulfilled if the project is not continued, and conversely, how will the findings or results of the project be enhanced by continuing the project?

c. *Report of Current Project Activities.* The applicant should discuss the status of all activities conducted during the previous project period. Applicants should identify any activities that were not completed, and explain why.

d. *Evaluation Findings.* The applicant should present the key findings, impact, or recommendations resulting from the evaluation of the project, if they are available, and how they will be addressed during the proposed continuation. If the findings are not yet available, applicants should provide the date by which they will be submitted to the Institute. Ordinarily, the Board will not consider an application for continuation funding until the Institute has received the evaluator's report.

e. *Tasks, Methods, Staff and Grantee Capability.* The applicant should fully describe any changes in the tasks to be performed, the methods to be used, the products of the project, and how and to whom those products will be disseminated, as well as any changes in

the assigned staff or the grantee's organizational capacity. Applicants should include, in addition, the criteria and methods by which the proposed continuation project would be evaluated.

f. *Task Schedule.* The applicant should present a detailed task schedule and timeline for the next project period.

g. *Other Sources of Support.* The applicant should indicate why other sources of support are inadequate, inappropriate or unavailable.

4. Budget and Budget Narrative

The applicant should provide a complete budget and budget narrative conforming to the requirements set forth in paragraph VII.D. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered.

5. References to Previously Submitted Material

An application for a continuation grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements, Review and Approval Process, and Notification of Decision

The submission requirements set forth in section VII.E., other than the deadline for mailing, apply to applications for a continuation grant. Such applications will be rated on the selection criteria set forth in section VIII.B. and the factors listed at the beginning of this Chapter. The key findings and recommendations resulting from an evaluation of the project and the proposed response to those findings and recommendations will also be considered. The review and approval process, return policy, and notification procedures are the same as those for new projects set forth in sections VIII.C.–VIII.E.

B. On-Going Support Grants

1. Purpose and Scope

On-going support grants are intended to support projects that are national in scope and that provide the State courts with services, programs or products for which there is a continuing important need. An on-going support grant may also be used to fund longitudinal research that directly benefits the State courts. On-going support grants are subject to the limits on size and duration set forth in V.C.2. and V.D.2. A project is eligible for consideration for an on-going support grant if:

a. The project is supported by and has been evaluated under a grant from the Institute;

b. The project is national in scope and provides a significant benefit to the State courts;

c. There is a continuing important need for the services, programs or products provided by the project as indicated by the level of use and support by members of the court community;

d. The project is accomplishing its objectives in an effective and efficient manner; and

e. It is likely that the service or program provided by the project would be curtailed or significantly reduced without Institute support.

Each project supported by an on-going support grant must include an evaluation component assessing its effectiveness and operation throughout the grant period. The evaluation should be independent, but may be designed collaboratively by the evaluator and the grantee. The design should call for regular feedback from the evaluator to the grantee throughout the project period concerning recommendations for mid-course corrections or improvement of the project, as well as periodic reports to the Institute at relevant points in the project.

An interim evaluation report must be submitted 18 months into the grant period. The decision to obligate Institute funds to support the third year of the project will be based on the interim evaluation findings and the applicant's response to any deficiencies noted in the report.

A final evaluation assessing the effectiveness, operation of, and continuing need for the project must be submitted 90 days before the end of the 3-year project period.

In addition, a detailed annual task schedule must be submitted not later than 45 days before the end of the first and second years of the grant period, along with an explanation of any necessary revisions in the projected costs for the remainder of the project period. (See also sections IX.B.3.f. and IX.B.4.)

2. Application Procedures—Letters of Intent

The Board will consider awarding an on-going support grant for a period of up to 36 months. The total amount of the grant will be fixed at the time of the initial award. Funds ordinarily will be made available in annual increments as specified in section V.C.2.

Unless specifically invited to submit a renewal application by the Institute, a grantee seeking an on-going support grant must inform the Institute, by letter, of its intent to submit an application for such funding as soon as the need for renewal funding becomes apparent but no less than 120 days before the end of the current grant period. The letter of intent should be in the same format as that prescribed for continuation grants in section IX.A.2.a.

3. Application Procedures and Format

An application for an on-going support grant must include an application form, budget forms (with appropriate documentation), a project abstract conforming to the format set forth in section VII.B., a program narrative, a budget narrative, and certain certifications and assurances.

The program narrative should conform to the length and format requirements set forth in section VII.C. However, rather than the topics listed in section VII.C., the program narrative of applications for on-going support grants should address:

a. *Description of Need for and Benefits of the Project.* The applicant should provide a detailed discussion of the benefits provided by the project to the State courts around the country, including the degree to which State courts, State court judges, or State court managers and personnel are using the services or programs provided by the project.

b. *Demonstration of Court Support.* The applicant should demonstrate support for the continuation of the project from the courts community.

c. *Report on Current Project Activities.* The applicant should discuss the extent to which the project has met its goals and objectives, identify any activities that have not been completed, and explain why.

d. *Evaluation Findings.* The applicant should attach a copy of the final evaluation report regarding the effectiveness, impact, and operation of the project, specify the key findings or recommendations resulting from the evaluation, and explain how they will be addressed during the proposed renewal period. Ordinarily, the Board will not consider an application for on-going support until the Institute has received the evaluator's report.

e. *Objectives, Tasks, Methods, Staff and Grantee Capability.* The applicant should describe fully any changes in the objectives; tasks to be performed; the methods to be used; the products of the project; how and to whom those products will be disseminated; the assigned staff; and the grantee's organizational capacity.

f. *Task Schedule.* The applicant should present a general schedule for

the full proposed project period and a detailed task schedule for the first year of the proposed new project period as part of the application. If an on-going support grant is awarded, a detailed annual task plan must be submitted no later than 45 days before the end of years one and two of the grant. (See section IX.B.1.)

g. *Other Sources of Support.* The applicant should indicate why other sources of support are inadequate, inappropriate or unavailable.

4. Budget and Budget Narrative

The applicant should provide a complete three-year budget and budget narrative conforming to the requirements set forth in paragraph VII.D. A complete budget narrative should be provided for each year, or portion of a year, for which grant support is requested. The budget should provide for realistic cost-of-living and staff salary increases over the course of the requested project period.

If an on-going support grant is awarded, an updated budget and explanatory narrative for the next grant year should be submitted no later than 45 days before the end of the first and second grant years. Changes in the funding level requested should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. Applicants should be aware that the Institute is unlikely to approve a supplemental budget increase for an on-going support grant in the absence of well-documented, unanticipated factors that clearly justify the requested increase.

5. References to Previously Submitted Material

An application for an on-going support grant should not repeat information contained in a previously approved application or other previously submitted materials, but should provide specific references to such materials where appropriate.

6. Submission Requirements, Review and Approval Process, and Notification of Decision

The submission requirements set forth in section VII.E., other than the deadline for mailing, apply to applications for an on-going support grant. Such applications will be rated on the selection criteria set forth in section VIII.B and the factors listed at the beginning of this Chapter. The key findings and recommendations resulting from an evaluation of the project and the proposed response to those findings and recommendations will also be considered. The review and approval process, return policy, and notification procedures are the same as those for new projects set forth in sections VIII.C.–VIII.E.

X. Compliance Requirements

The State Justice Institute Act contains limitations and conditions on grants, contracts and cooperative agreements of which applicants and recipients should be aware. In addition to eligibility requirements which must be met to be considered for an award from the Institute, all applicants should be aware of and all recipients will be responsible for ensuring compliance with the following:

A. State and Local Court Systems

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council. The Supreme Court or its designee shall receive, administer, and be accountable for all funds awarded on the basis of such an application. 42 U.S.C. 10705(b)(4). Appendix I to this Guideline lists the persons to contact in each State regarding the administration of Institute grants to State and local courts.

B. Matching Requirements

1. All awards to courts or other units of State or local government (not including publicly supported institutions of higher education) require a match from private or public sources of not less than 50% of the total amount of the Institute's award. For example, if the total cost of a project is anticipated to be $150,000, a State court or executive branch agency may request up to $100,000 from the Institute to implement the project. The remaining $50,000 (50% of the $100,000 requested from SJI) must be provided as a match. A cash match, non-cash match, or both may be provided, but the Institute will give preference to those applicants who provide a cash match to the Institute's award. (For a further definition of match, see section III.F.)

The requirement to provide match may be waived in exceptionally rare circumstances upon approval of the Chief Justice of the highest court in the State and a majority of the Board of Directors. 42 U.S.C. 10705(d).

2. Other eligible recipients of Institute funds are not required to provide a match, but are encouraged to contribute to meeting the costs of the project. In instances where match is proposed, the grantee is responsible for ensuring that the total amount proposed is actually contributed. If a proposed contribution is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement (see sections VIII.B. above and XI.D.).

C. Conflict of Interest

Personnel and other officials connected with Institute-funded programs shall adhere to the following requirements:

1. No official or employee of a recipient court or organization shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Institute funds are used, where to his/her knowledge he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as officer, director, trustee, partner, or employee or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest.

2. In the use of Institute project funds, an official or employee of a recipient court or organization shall avoid any action which might result in or create the appearance of:

a. Using an official position for private gain; or

b. Affecting adversely the confidence of the public in the integrity of the Institute program.

3. Requests for proposals or invitations for bids issued by a recipient of Institute funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work and/or requests for proposals for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

D. Lobbying

Funds awarded to recipients by the Institute shall not be used, indirectly or directly, to influence Executive orders or similar promulgations by Federal, State or local agencies, or to influence the passage or defeat of any legislation by Federal, State or local legislative bodies. 42 U.S.C. 10706(a).

It is the policy of the Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and

the provisions of 42 U.S.C. 10706, the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

E. Political Activities

No recipient shall contribute or make available Institute funds, program personnel, or equipment to any political party or association, or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Finally, officers and employees of recipients shall not intentionally identify the Institute or recipients with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office. 42 U.S.C. 10706(a).

F. Advocacy

No funds made available by the Institute may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities. 42 U.S.C. 10706(b).

G. Prohibition Against Litigation Support

No funds made available by the Institute may be used directly or indirectly to support legal assistance to parties in litigation, including cases involving capital punishment.

H. Supplantation and Construction

To ensure that funds are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used for the following purposes:

1. To supplant State or local funds supporting a program or activity (such as paying the salary of court employees who would be performing their normal duties as part of the project, or paying rent for space which is part of the court's normal operations);

2. To construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or

3. Solely to purchase equipment.

I. Confidentiality of Information

Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial; legislative, or administrative proceedings.

J. Human Research Protection

All research involving human subjects shall be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk of harm to those subjects due to their participation.

K. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by Institute funds. Recipients of Institute funds must immediately take measures necessary to effectuate this provision.

L. Reporting Requirements

Recipients of Institute funds, other than scholarships awarded under section II.B.2.b.iii., shall submit Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). Two copies of each report must be sent. The Quarterly Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problems areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period.

The quarterly financial status report shall be submitted in accordance with section XI.G.2. of this guideline. A final project progress report and financial status report shall be submitted within 90 days after the end of the grant period in accordance with section XI.K.2. of this Guideline.

M. Audit

Each recipient must provide for an annual fiscal audit which shall include an opinion on whether the financial statements of the grantee present fairly its financial position and financial operations are in accordance with generally accepted accounting principles. (See section XI.J. of the Guideline for the requirements of such audits.)

N. Suspension of Funding

After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, the Institute may terminate or suspend funding of a project that fails to comply substantially with the Act, Institute Guideline, or the terms and conditions of the award. 42 U.S.C. 10708(a).

O. Title to Property

At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with Institute funds shall vest in the recipient court, organization, or individual that purchased the property if certification is made to the Institute that the property will continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act, as approved by the Institute. If such certification is not made or the Institute disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in the Institute, which will direct the disposition of the property.

P. Original Material

All products prepared as the result of Institute-supported projects must be originally-developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

Q. Acknowledgment and Disclaimer

Recipients of Institute funds shall acknowledge prominently on all products developed with grant funds that support was received from the Institute. The ''SJI'' logo must appear on the front cover of a written product, or in the opening frames of a video project, unless another placement is approved in writing by the Institute. This includes final products printed or otherwise reproduced during the grant period, as well as reprintings or reproductions of those materials following the end of the grant period. A camera-ready logo sheet is available from the Institute upon request.

Recipients also shall display the following disclaimer on all grant products;

''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement, number SJI-(insert number)] from the Sate Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

R. Institute Approval of Grant Products

No grant funds may be obligated for publication or reproduction of a final product developed with grant funds without the written approval of the Institute. Grantees shall submit a final draft of each written product to the Institute for review and approval. These drafts shall be submitted at least 30 days before the product is scheduled to be sent for publication or reproduction to permit Institute review and incorporation of any appropriate changes agreed upon by the grantee and the Institute. Grantees shall provide for timely review by the Institute of videotape or CD–ROM products at the treatment, script, rough cut, and final stages of development or their equivalents, prior to initiating the next stage of product development.

S. Distribution of Grant Products

In addition to the distribution specified in the grant application, grantees shall send:

1. Twenty copies of each final product developed with grant funds to the Institute, unless the product was developed under either a curriculum adaptation or a technical assistance grant, in which case submission of 2 copies is required.

2. A master copy of each videotape produced with grant funds to the Institute.

3. A one-page abstract to the Institute summarizing the products produced during the project for posting on the Internet together with a diskette containing the abstract in Word, WordPerfect, or ASCII. The abstract should include the grant number, a contact name, address, telephone numbers, and e-mail address (if applicable).

4. One copy of each final product developed with grant funds to the library established in each State to collect materials prepared with Institute support. (A list of these libraries is contained in Appendix II. Labels for these libraries are available from the Institute upon request.) Recipients of curriculum adaptation and technical assistance grants are not required to submit final products to State libraries.

T. Copyrights

Except as otherwise provided in the terms and conditions of an Institute award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

U. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced in the course of institute-sponsored work, such fact shall be promptly and fully reported to the Institute. Unless there is a prior agreement between the grantee and the Institute on disposition of such items, the Institute shall determine whether protection of the invention or discovery shall be sought. The Institute will also determine how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with ''Government Patent Policy'' (President's Memorandum for Heads of Executive Departments and Agencies, February 18, 1983, and Statement of Government Patent Policy).

V. Charges for Grant-Related Products/Recovery of Costs

When Institute funds fully cover the cost of developing, producing, and disseminating a product, (e.g., a report, curriculum, videotape or software), the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, or dissemination costs, the grantee may, with the Institute's prior written approval, recover its costs for developing, producing, and disseminating the material to those requesting it, to the extent that those costs were not covered by Institute funds or grantee matching contributions.

Applicants should disclose their intent to sell grant-related products in the application. Grantees must obtain the written, prior approval of the Institute of their plans to recover project costs through the sale of grant products.

Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25.00, the written request also should include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either Institute grant funds or grantee matching contributions.

In the event that the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of the Institute-funded project or other purposes consistent with the State Justice Institute Act that have been approved by the Institute. See sections III.F. and XI.F. for requirements regarding project-related income realized during the project period.

W. Availability of Research Data for Secondary Analysis

Upon request, grantees must make available for secondary analysis a diskette(s) or data tape(s) containing research and evaluation data collected under an Institute grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing or otherwise transmitting the data set and manual from the person or organization requesting the data. Grantees may provide the requested data set in the format in which it was created and analyzed.

X. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, a recipient shall submit a description of

the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

XI. Financial Requirements

A. Accounting Systems and Financial Records

All grantees, subgrantees, contractors, and other organizations directly or indirectly receiving Institute funds are required to establish and maintain accounting systems and financial records to accurately account for funds they receive. These records shall include total program costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget.

1. Purpose

The purpose of this section is to establish accounting system requirements and to offer guidance on procedures which will assist all grantees/subgrantees in:

a. Complying with the statutory requirements for the awarding, disbursement, and accounting of funds;

b. Complying with regulatory requirements of the Institute for the financial management and disposition of funds;

c. Generating financial data which can be used in the planning, management and control of programs; and

d. Facilitating an effective audit of funded programs and projects.

2. References

Except where inconsistent with specific provisions of this Guideline, the following regulations, directives and reports are applicable to Institute grants and cooperative agreements under the same terms and conditions that apply to Federal grantees. These materials supplement the requirements of this section for accounting systems and financial recordkeeping and provide additional guidance on how these requirements may be satisfied. (Circulars may be obtained from OMB by calling 202–395–7250.)

a. *Office of Management and Budget (OMB) Circular A–21,* Cost Principles for Educational Institutions.

b. *Office of Management and Budget (OMB) Circular A–87,* Cost Principles for State and Local Governments.

c. *Office of Management and Budget (OMB) Circular A–88 (revised),* Indirect Cost Rates, Audit and Audit Follow-up at Educational Institutions.

d. *Office of Management and Budget (OMB) Circular A–102,* Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

e. *Office of Management and Budget (OMB) Circular A–110,* Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations.

f. *Office of Management and Budget (OMB) Circular A–128,* Audits of State and Local Governments.

g. *Office of Management and Budget (OMB) Circular A–122,* Cost Principles for Non-profit Organizations.

h. *Office of Management and Budget (OMB) Circular A–133,* Audits of Institutions of Higher Education and Other Non-profit Institutions.

B. Supervision and Monitoring Responsibilities

1. Grantee Responsibilities

All grantees receiving direct awards from the Institute are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records and refunding expenditures disallowed by audits.

2. Responsibilities of State Supreme Court

Each application for funding from a State or local court must be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council.

The State Supreme Court or its designee shall receive all Institute funds awarded to such courts; shall be responsible for assuring proper administration of Institute funds; and shall be responsible for all aspects of the project, including proper accounting and financial recordkeeping by the subgrantee. These responsibilities include:

a. *Reviewing Financial Operations.* The State Supreme Court or its designee should be familiar with, and periodically monitor, its subgrantees' financial operations, records system and procedures. Particular attention should be directed to the maintenance of current financial data.

b. *Recording Financial Activities.* The subgrantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the financial records of the State Supreme Court or its designee in summary form. Subgrantee expenditures should be recorded on the books of the State Supreme Court *OR* evidenced by report forms duly filed by the subgrantee. Non-Institute contributions applied to projects by subgrantees should likewise be recorded, as should any project income resulting from program operations.

c. *Budgeting and Budget Review.* The State Supreme Court or its designee should ensure that each subgrantee prepares an adequate budget as the basis for its award commitment. The detail of each project budget should be maintained on file by the State Supreme Court.

d. *Accounting for Non-Institute Contributions.* The State Supreme Court or its designee will ensure, in those instances where subgrantees are required to furnish non-Institute matching funds, that the requirements and limitations of this guideline are applied to such funds.

e. *Audit Requirement.* The State Supreme Court or its designee is required to ensure that subgrantees have met the necessary audit requirements as set forth by the Institute (see sections X.M. and XI.J).

f. *Reporting Irregularities.* The State Supreme Court, its designees, and its subgrantees are responsible for promptly reporting to the Institute the nature and circumstances surrounding any financial irregularities discovered.

C. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its subgrantees and contractors. An acceptable and adequate accounting system is considered to be one which:

1. Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income);

2. Assures that expended funds are applied to the appropriate budget category included with the approved grant;

3. Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;

4. Provides cost and property controls to assure optimal use of grant funds;

5. Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant;

6. Meets the prescribed requirements for periodic financial reporting of operations; and

7. Provides financial data for planning, control, measurement and evaluation of direct and indirect costs.

D. Total Cost Budgeting and Accounting

Accounting for all funds awarded by the Institute shall be structured and executed on a ''total project cost'' basis. That is, total project costs, including Institute funds, State and local matching shares, and any other fund sources included in the approved project budget shall be the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates on the basis of total costs.

1. Timing of Matching Contributions

Matching contributions need not be applied at the exact time of the obligation of Institute funds. However, the full matching share must be obligated during the award period, except that with the prior written permission of the Institute, contributions made following approval of the grant by the Institute's Board but before the beginning of the grant may be counted as match. Grantees that do not contemplate making matching contributions continuously throughout the course of a project or on a task-by-task basis, are required to submit a schedule within 30 days after the beginning of the project period indicating at what points during the project period the matching contributions will be made. In instances where a proposed cash match is not fully met, the Institute may reduce the award amount accordingly, in order to maintain the ratio originally provided for in the award agreement.

2. Records for Match

All grantees must maintain records which clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions which exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does the Institute funds and required matching shares. For all grants made to State and local courts, the State Supreme Court has primary responsibility for grantee/subgrantee compliance with the requirements of this section. (See section XI.B.2.)

E. Maintenance and Retention of Records

All financial records, supporting documents, statistical records and all other records pertinent to grants, subgrants, cooperative agreements or contracts under grants shall be retained by each organization participating in a project for at least three years for purposes of examination and audit. State Supreme Courts may impose record retention and maintenance requirements in addition to those prescribed in this chapter.

1. Coverage

The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, subgrant or contract, whether they are employed full-time or part-time. Time and effort reports will be required for consultants.

2. Retention Period

The three-year retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually, from the date of submission of the annual expenditure report.

3. Maintenance

Grantees and subgrantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's/subgrantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

4. Access

Grantees and subgrantees must give any authorized representative of the Institute access to and the right to examine all records, books, papers, and documents related to an Institute grant.

F. Project-Related Income

Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income. The policies governing the disposition of the various types of project-related income are listed below.

1. Interest

A State and any agency or instrumentality of a State including State institutions of higher education and State hospitals, shall not be held accountable for interest earned on advances of project funds. When funds are awarded to subgrantees through a State, the subgrantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are direct grantees must refund any interest earned. Grantees shall order their affairs so as to ensure minimum balances in their respective grant cash accounts.

2. Royalties

The grantee/subgrantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the project provide otherwise.

3. Registration and Tuition Fees

Registration and tuition fees shall be used to pay project-related costs not covered by the grant, or to reduce the amount of grant funds needed to support the project. Registration and tuition fees may be used for other purposes only with the prior written approval of the Institute. Estimates of registration and tuition fees, and any expenses to be offset by the fees, should be included in the application budget forms and narrative.

4. Income From the Sale of Grant Products

When grant funds fully cover the cost of producing and disseminating a limited number of copies of a product, the grantee may, with the written prior approval of the Institute, sell additional copies reproduced at its expense only at a price intended to recover actual reproduction and distribution costs that were not covered by Institute grant funds or grantee matching contributions to the project. When grant funds only partially cover the costs of developing, producing and disseminating a product, the grantee may, with the written prior approval of the Institute, recover costs for developing, reproducing, and disseminating the material to the extent that those costs were not covered by Institute grant funds or grantee matching contributions. If the grantee recovers its costs in this manner, then

amounts expended by the grantee to develop, produce, and disseminate the material may not be considered match.

If the sale of products occurs during the project period, the costs and income generated by the sales must be reported on the Quarterly Financial Status Reports and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the application or reported to the Institute in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs as specified in section X.V.

5. Other

Other project income shall be treated in accordance with disposition instructions set forth in the project's terms and conditions.

G. Payments and Financial Reporting Requirements

1. Payment of Grant Funds

The procedures and regulations set forth below are applicable to all Institute grant funds and grantees.

a. *Request for Advance or Reimbursement of Funds.* Grantees will receive funds on a ''Check-Issued'' basis. Upon receipt, review, and approval of a Request for Advance or Reimbursement by the Institute, a check will be issued directly to the grantee or its designated fiscal agent. A request must be limited to the grantee's immediate cash needs. The Request for Advance or Reimbursement, along with the instructions for its preparation, will be included in the official Institute award package.

b. *Continuation and On-Going Support Awards.* For purposes of submitting Requests for Advance or Reimbursement, recipients of continuation and on-going support grants should treat each grant as a new project and number their requests accordingly (i.e. on a grant rather than a project basis). For example, the first request for payment from a continuation grant or each year of an on-going support would be number 1, the second number 2, etc. (See Recommendations to Grantees in the Introduction for further guidance.)

c. *Termination of Advance and Reimbursement Funding.* When a grantee organization receiving cash advances from the Institute:

i. Demonstrates an unwillingness or inability to attain program or project goals, or to establish procedures that will minimize the time elapsing between cash advances and disbursements, or cannot adhere to guideline requirements or special conditions;

ii. Engages in the improper award and administration of subgrants or contracts; or

iii. Is unable to submit reliable and/or timely reports; the Institute may terminate advance financing and require the grantee organization to finance its operations with its own working capital. Payments to the grantee shall then be made by check to reimburse the grantee for actual cash disbursements. In the event the grantee continues to be deficient, the Institute reserves the right to suspend reimbursement payments until the deficiencies are corrected.

d. *Principle of Minimum Cash on Hand.* Recipient organizations should request funds based upon immediate disbursement requirements. Grantees should time their requests to ensure that cash on hand is the minimum needed for disbursements to be made immediately or within a few days. Idle funds in the hands of subgrantees will impair the goals of good cash management.

2. Financial Reporting

a. *General Requirements.* In order to obtain financial information concerning the use of funds, the Institute requires that grantees/subgrantees of these funds submit timely reports for review.

Three copies of the Financial Status Report are required from all grantees, other than recipients of scholarships under section II.B.2.b.iii., for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to Institute funds, State and local matching shares, and any other fund sources included in the approved project budget. The report contains information on obligations as well as outlays. A copy of the Financial Status Report, along with instructions for its preparation, will be included in the official Institute Award package. In circumstances where an organization requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, in support of the Request for Advance or Reimbursement.

b. *Additional Requirements for Renewal Grants.* Grantees receiving a continuation or on-going support grant should number their quarterly Financial Status Reports on a grant rather than a project basis. For example, the first quarterly report for a continuation grant or each year of an on-going support award should be number 1, the second number 2, etc.

3. Consequences of Non-Compliance With Submission Requirements

Failure of the grantee organization to submit required financial and program reports may result in a suspension of grant payments or revocation of the grant award.

H. Allowability of Costs

1. General

Except as may be otherwise provided in the conditions of a particular grant, cost allowability shall be determined in accordance with the principles set forth in *OMB Circulars A–87,* Cost Principles for State and Local Governments; *A–21,* Cost Principles Applicable to Grants and Contracts with Educational Institutions; and *A–122,* Cost Principles for Non-Profit Organizations. No costs may be recovered to liquidate obligations which are incurred after the approved grant period. Copies of these circulars may be obtained from OMB by calling (202) 395–7250.

2. Costs Requiring Prior Approval

a. *Preagreement Costs.* The written prior approval of the Institute is required for costs which are considered necessary to the project but occur prior to the award date of the grant.

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds $10,000 or the software to be purchased exceeds $3,000.

c. *Consultants.* The written prior approval of the Institute is required when the rate of compensation to be paid a consultant exceeds $300 a day.

3. Travel Costs

Transporation and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established written travel policy, then travel rates shall be consistent with those established by the Institute or the Federal Government. Institute funds shall not be used to cover the transportation or per diem costs of a member of a national organization to attend an annual or other regular meeting of that organization.

4. Indirect Costs

These are costs of an organization that are not readily assignable to a particular

project, but are necessary to the operation of the organization and the performance of the project. The cost of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. It is the policy of the Institute that all costs should be budgeted directly; however, if a recipient has an indirect cost rate approved by a Federal agency as set forth below, the Institute will accept that rate.

a. *Approved Plan Available.*

i. The Institute will accept an indirect cost rate or allocation plan approved for a grantee during the preceding two years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars. A copy of the approved agreement must be submitted to the Institute.

ii. Where flat rates are accepted in lieu of actual indirect costs, grantees may not also charge expenses normally included in overhead pools, e.g., accounting services, legal services, building and occupancy and maintenance, etc., as direct costs.

iii. Organizations with an approved indirect cost rate, utilizing total direct costs as the base, usually exclude contracts under grants from any overhead recovery. The negotiated agreement will stipulate that contracts are excluded from the base for overhead recovery.

b. *Establishment of Indirect Cost Rates.* In order to be reimbursed for indirect costs, a grantee or organization must first establish an appropriate indirect cost rate. To do this, the grantee must prepare an indirect cost rate proposal and submit it to the Institute. The proposal must be submitted within three months after the start of the grant period to assure recovery of the full amount of allowable indirect costs, and it must be developed in accordance with principles and procedures appropriate to the type of grantee institution involved as specified in the applicable OMB Circular. Copies of OMB Circulars may be obtained directly from OMB by calling (202) 395–7250.

c. *No Approved Plan.* If an indirect cost proposal for recovery of actual indirect costs is not submitted to the Institute within three months after the start of the grant period, indirect costs will be irrevocably disallowed for all months prior to the month that the indirect cost proposal is received. This policy is effective for all grant awards.

I. Procurement and Property Management Standards

1. Procurement Standards

For State and local governments, the Institute is adopting the standards set forth in Attachment O of *OMB Circular A–102*. Institutions of higher education, hospitals, and other non-profit organizations will be governed by the standards set forth in Attachment O of *OMB Circular A–110.*

2. Property Management Standards

The property management standards as prescribed in Attachment N of *OMB Circulars A–102* and *A–110* shall be applicable to all grantees and subgrantees of Institute funds except as provided in section X.O.

All grantees/subgrantees are required to be prudent in the acquisition and management of property with grant funds. If suitable property required for the successful execution of projects is already available within the grantee or subgrantee organization, expenditures of grant funds for the acquisition of new property will be considered unnecessary.

J. Audit Requirements

1. Implementation

Each non-scholarship grantee (including a State or local court receiving a subgrant from the State Supreme Court) shall provide for an annual fiscal audit. The audit may be of the entire grantee organization (e.g., a university) or of the specific project funded by the Institute. Audits conducted in accordance with the Single Audit Act of 1984 and OMB Circular A–128, or OMB Circular A–133 will satisfy the requirement for an annual fiscal audit. The audit shall be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies.

Grantees who receive funds from a Federal agency and who satisfy audit requirements of the cognizant Federal agency, should submit a copy of the audit report prepared for that Federal agency to the Institute in order to satisfy the provisions of this section. Cognizant Federal agencies do not send reports to the Institute. Therefore, each grantee must send this report directly to the Institute.

2. Resolution and Clearance of Audit Reports

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grant recipient shall have policies and procedures for acting on audit recommendations by designating officials responsible for: follow-up, maintaining a record of the actions taken on recommendations and time schedules, responding to and acting on audit recommendations, and submitting periodic reports to the Institute on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues

It is the general policy of the State Justice Institute not to make new grant awards to an applicant having an unresolved audit report involving Institute awards. Failure of the grantee organization to resolve audit questions may also result in the suspension of payments for active Institute grants to that organization.

K. Close-Out of Grants

1. Definition

Close-out is a process by which the Institute determines that all applicable administrative and financial actions and all required work of the grant have been completed by both the grantee and the Institute.

2. Grantee Close-Out Requirements

Within 90 days after the end date of the grant or any approved extension thereof (revised end date), the following documents must be submitted to the Institute by the grantee other than a recipient of a scholarship under section II.B.2.b.iii. These reporting requirements apply at the conclusion of any non-scholarship grant, even when the project will receive renewal funding through a continuation or on-going support grant.

a. *Financial State Report.* The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated/unexpended funds will be deobligated from the award by the Institute. Final payment requests for obligations incurred during the award period must be submitted to the Institute prior to the end of 90-day close-out period. Grantees on a check-issued basis, which have drawn down funds in excess of their obligations/expenditures, must return any unused funds as soon as it is determined that the funds are not required. In no case should any unused funds remain with the grantee beyond the submission date of the final financial status report.

b. *Final Progress Report.* This report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a

summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment thereto have been met and, if any of the objectives have not been met, explain the reasons therefor; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation.

3. Extension of Close-Out Period

Upon the written request of the grantee, the Institute may extend the close-out period to assure completion of the Grantee's close-out requirements. Requests for an extension must be submitted at least 14 days before the end of the close-out period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period.

XII. Grant Adjustments

All requests for program or budget adjustments requiring Institute approval must be submitted in a timely manner by the project director. All requests for changes from the approved application will be carefully reviewed for both consistency with this Guideline and the enhancement of grant goals and objectives.

A. Grant Adjustments Requiring Prior Written Approval

There are several types of grant adjustments which require the prior written approval of the Institute. Examples of these adjustments include:

1. Budget revisions among direct cost categories which, individually or in the aggregate, exceed or are expected to exceed five percent of the approved original budget or the most recently approved revised budget. For the purposes of this section, the Institute will view budget revisions cumulatively.

For continuation and on-going support grants, funds from the original award may be used during the renewal grant period and funds awarded by a continuation or on-going support grant may be used to cover project-related expenditures incurred during the original award period, with the prior written approval of the Institute.

2. A change in the scope of work to be performed or the objectives of the project (see section XII.D.).

3. A change in the project site.

4. A change in the project period, such as an extension of the grant period and/or extension of the final financial or progress report deadline (see section XII.E.).

5. Satisfaction of special conditions, if required.

6. A change in or temporary absence of the project director (see sections XII.F. and G.).

7. The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section X.X.).

8. A change in the name of the grantee organization.

9. A transfer or contracting out of grant-supported activities (see section XII.H.).

10. A transfer of the grant to another recipient.

11. Preagreement costs, the purchase of automated data processing equipment and software, and consultant rates, as specified in section XI.H.2.

12. A change in the nature or number of the products to be prepared or the manner in which a product would be distributed.

B. Request for Grant Adjustments

All grantees and subgrantees must promptly notify their SJI program manager, in writing, of events or proposed changes which may require an adjustment to the approved application. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the SJI program managers determine would help the Institute's review.

C. Notification of Approval/Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the Executive Director or his designee. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

D. Changes in the Scope of the Grant

A grantee/subgrantee may make minor changes in methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification of the SJI program manager. Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by the Institute.

E. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. The reasons why the change is necessary and the steps being taken to avoid further delays should be explained in detail. A revised task plan should accompany requests for a no-cost extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the final financial report or final progress report must be made at least 14 days in advance of the report deadline (see section XI.K.3.). Grantees should be aware that the Institute is unlikely to approve more than one limited extension of the grant period.

F. Temporary Absence of the Project Director

Whenever absence of the project director is expected to exceed a continuous period of one month, the plans for the conduct of the project director's duties during such absence must be approved in advance by the Institute. This information must be provided in a letter signed by an authorized representative of the grantee/subgrantee at least 30 days before the departure of the project director, or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by the Institute.

G. Withdrawal of/Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, the Institute must be notified immediately. In such cases, if the grantee/subgrantee wishes to terminate the project, the Institute will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to the Institute for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by the Institute.

H. Transferring or Contracting Out of Grant-Supported Activities

A principal activity of the grant-supported project shall not be transferred or contracted out to another organization without specific prior approval by the Institute. All such arrangements should be formalized in a contract or other written agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to

be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, are to be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to the Institute.

State Justice Institute Board of Directors

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David I. Tevelin, Executive Director (ex officio)

David I. Tevelin,

Executive Director.

Appendix I.—List of State Contacts Regarding Administration of Institute Grants to State and Local Courts

Mr. Frank Gregory, Administrative Director, Administrative Office of the Courts, 817 South Court Street, Montgomery, Alabama 36130, (205) 834–7990
Mr. Arthur H. Snowden II, Administrative Director, Alaska Court System, 303 K Street, Anchorage, Alaska 99501, (907) 264–0547
Mr. David K. Byers, Administrative Director, Supreme Court of Arizona, 1501 West Washington Street, Suite 411, Phoenix, Arizona 85007–3330, (602) 542–9301
Mr. James D. Gingerich, Director, Administrative Office of the Courts, 625 Marshall, Little Rock, Arkansas 72201–1078, (501) 376–6655
Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, California 94107, (415) 396–9100
Mr. Steven V. Berson, State Court Administrator, Colorado Judicial Department, 1301 Pennsylvania Street, Suite 300, Denver, Colorado 80203–2416, (303) 861–1111, ext. 585
Ms. Faith P. Arkin, Director, External Affairs, Office of the Chief Court Administrator, Drawer N, Station A, Hartford, Connecticut 06106, (203) 566–8210
Mr. Lowell Groundland, Director, Administrative Office of the Courts, Carvel State Office Building, 820 N. French Street, Wilmington, Delaware 19801, (302) 571–2480
Mr. Ulysses Hammond, Executive Officer, Courts of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001, (202) 879–1700
Mr. Kenneth Palmer, State Courts Administrator, Florida State Courts System, Supreme Court Building, Tallahassee, Florida 32399–1900, (904) 922–5081
Mr. Robert L. Doss, Jr., Director, Administrative Office of the Georgia Courts, The Judicial Council of Georgia, 244 Washington Street, S.W., Suite 500, Atlanta, Georgia 30334–5900, (404) 656–5171
Mr. Perry C. Taitano, Administrative Director, Superior Court of Guam, Judiciary Building, 110 West O'Brien Drive, Agana, Guam 96920, 011 (671) 472–8961 through 8968
Sharon Miyoshiro, Administrative Director of the Courts, Office of the Administrative Director, Post Office Box 2560, Honolulu, Hawaii 96813, (808) 539–4900
Honorable Charles F. McDevitt, Chief Justice, Idaho Supreme Court, 451 West State Street, Boise, Idaho 83720, (208) 334–3464
Mr. Robert E. Davison, Director, Administrative Office of the Courts, 840 S. Spring Street, Springfield, Illinois 62704, (312) 793–3250
Mr. Bruce A. Kotzan, Executive Director, Supreme Court of Indiana, State House, Room 323, Indianapolis, Indiana 46204, (317) 232–2542
Mr. William J. O'Brien, State Court Administrator, Supreme Court of Iowa, State House, Des Moines, Iowa 50319, (515) 281–5241
Dr. Howard P. Schwartz, Judicial Administrator, Kansas Judicial Center, 301 West 10th Street, Topeka, Kansas 66612, (923) 296–4873
Ms. Laura Stammel, Assistant Director, Administrative Office of the Courts, 100 Mill Creek Park, Frankfort, Kentucky 40601, (502) 564–2350
Dr. Hugh M. Collins, Judicial Administrator, Supreme Court of Louisiana, 301 Loyola Avenue, Room 109, New Orleans, Louisiana 70112–1887, (504) 568–5747
Mr. James T. Glessner, State Court Administrator, Administrative Office of the Courts, P.O. Box 4820, Downtown Station, Portland, Maine 04112, (207) 822–0792
Ms. Deborah A. Unitus, Assistant State Court Administrator, Administrative Office of the Courts, Rowe Boulevard and Taylor Avenue, Annapolis, Maryland 21401, (301) 974–2141
Honorable John J. Irwin, Jr., Chief Justice for Administration and Management, The Trial Court, Administrative Office of the Trial Court, Two Center Plaza, Suite 540, Boston, Massachusetts 02108, (617) 742–8575
Ms. Marilyn K. Hall, State Court Administrator, Michigan Supreme Court, P.O. Box 30048, 611 West Ottawa Street, Lansing, Michigan 48909, (517) 373–0136
Ms. Sue K. Dosal, State Court Administrator, Supreme Court of Minnesota, 230 State Capitol, St. Paul, Minnesota 55155, (617) 296–2474
Honorable Leslie Johnson, Director, Center for Court Education and Continuing Studies, P.O. Box 879, Oxford, Mississippi 38677, (601) 232–5955
Mr. Ron Larkin, State Court Administrator, 1105 R Southwest Blvd., Jefferson City, Missouri 65109, (314) 751–3585
Mr. Patrick A. Chenovick, State Court Administrator, Montana Supreme Court, Justice Building, Room 315, 215 North Sanders, Helena, Montana 59620–3001, (406) 444–2621
Mr. Joseph C. Steele, State Court Administrator, Supreme Court of Nebraska, State Capitol Building, Room 1220, Lincoln, Nebraska 68509, (404) 471–2643
Mr. Donald J. Mello, Court Administrator, Administrative Office of the Courts, Capitol Complex, Carson City, Nevada 89710, (702) 885–5076
Mr. Donald Goodnow, State Court Administrator, Supreme Court of New Hampshire, Frank Rowe Kenison Building, Concord, New Hampshire 03301, (603) 271–2419
Mr. Robert Lipscher, Administrative Director, Administrative Office of the Courts, CN–037, RJH Justice Complex, Trenton, New Jersey 08625, (609) 984–0275
Honorable E. Leo Milonas, Chief Administrative Judge, Office of Court Administration, 270 Broadway, New York, New York 10007, (212) 587–2004
Ms. Deborah Kanter, State Court Administrator, Administrative Office of the Courts, Supreme Court of New Mexico, Supreme Court Building, Room 25, Sante Fe, New Mexico 87503, (505) 827–4800
Hon. Jack Cozort, Acting Administrative Director, Administrative Office of the Courts, P.O. Box 2448, Raleigh, North Carolina 27602, (919) 733–7106/7107
Mr. Keithe E. Nelson, State Court Administrator, Supreme Court of North Dakota, State Capitol Building, Bismarck, North Dakota 58505, (701) 224–4216
Mr. Stephan W. Stover, Administrative Director of the Courts, Supreme Court of Ohio, State Office Tower, 30 East Broad Street, Columbus, Ohio 43266–0419, (614) 466–2653
Mr. Howard W. Conyers, Administrative Director, Administrative Office of the Courts, 1925 N. Stiles, Suite 305, Oklahoma City, Oklahoma 73105, (405) 521–2450
Ms. Kingsley Click, State Court Administrator, Supreme Court of Oregon, Supreme Court Building, Salem, Oregon 97310, (503) 986–5500
Mr. Thomas B. Darr, Director for Legislative Affairs, Communications and Administration, 5035 Ritter Road, Mechanicsburg, Pennsylvania 17055, (717) 795–2000
Dr. Robert C. Harrall, State Court Administrator, Supreme Court of Rhode Island, 250 Benefit Street, Providence, Rhode Island 02903, (401) 277–3266
Mr. George A. Markert, Director, South Carolina Court Administration, P.O. Box

50447, Columbia, South Carolina 29250, (803) 734–1800.

Honorable Robert A. Miller, Chief Justice, Supreme Court of South Dakota, 500 East Capitol Avenue, Pierre, South Dakota 57501, (605) 773–4885

Mr. Charles E. Ferrell, Executive Secretary, Supreme Court of Tennessee, Supreme Court Building, Room 422, Nashville Tennessee 37219, (615) 741–2687

Mr. Jerry L. Benedict, Administrative Director, Office of Court Administration of the Texas Judicial System, P.O. Box 12066, Austin, Texas 78711, (512) 463–1625

Mr. Daniel Becker, State Court Administrator, Administrative Office of the Courts, 230 South 500 East, Salt Lake City, Utah 84102, (801) 533–6371

Mr. Lee Suskin, Acting Court Administrator, Supreme Court of Vermont, 111 State Street, Montpelier, Vermont 05602, (802) 828–3281

Ms. Viola E. Smith, Clerk of the Court/Administrator, Territorial Court of the Virgin Islands, P.O. Box 70, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774–6680, ext 248

Mr. Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia, Administrative Offices, 100 North Ninth Street, 3rd Floor, Richmond, Virginia 23219, (804) 786–6455

Ms. Mary C. McQueen, Administrator for the Courts, Supreme Court of Washington, Highways-Licensing Building, 6th Floor, 12th & Washington, Olympia, Washington 98504, (206) 753–5780

Mr. Ted J. Philyaw, Administrative Director of the Courts, Administrative Office, 402–E State Capitol, Charleston, West Virginia 25305, (304) 348–0145

Mr. J. Denis Moran, Director of State Courts, P.O. Box 1688, Madison, Wisconsin 53701–1688, (608) 266–6828

Mr. Robert L. Duncan, Court Coordinator, Supreme Court Building, Cheyenne, Wyoming 82002, (307) 777–7581

Appendix II.—SJI Libraries Designated Sites and Contacts (August 1995)

State: Alabama
Location: Supreme Court Library
Contact: Mr. William C. Younger, State Law Librarian, Alabama Supreme Court Bldg., 445 Dexter Avenue, Montgomery, Alabama 36130, (205) 242–4347

State: Alaska
Location: Anchorage Law Library
Contact: Ms. Cynthia S. Petumenos, State Law Librarian, Alaska Court Libraries, 303 K Street, Anchorage, Alaska 99501, (907) 264–0583

State: Arizona
Location: State Law Library
Contact: Ms. Sharon Womack, Director, Department of Library & Archives, State Capitol, 1700 West Washington, Phoenix, Arizona 85007, (602) 542–4035

State: Arkansas
Location: Administrative Office of the Courts
Contact: Mr. James D. Gingerich, Director, Supreme Court of Arkansas, Administrative Office of the Courts, Justice Building, 625 Marshall, Little Rock, Arkansas 72201–1078, (501) 376–6655

State: California
Location: Administrative Office of the Courts
Contact: Mr. William C. Vickrey, State Court Administrator, Administrative Office of the Courts, 303 Second Street, South Tower, San Francisco, California 94107, (415) 396–9100

State: Colorado
Location: Supreme Court Library
Contact: Ms. Frances Campbell, Supreme Court Law Librarian, Colorado State Judicial Building, 2 East 14th Avenue, Denver, Colorado 80203, (303) 837–3720

State: Connecticut
Location: State Library
Contact: Mr. Richard Akeroyd, State Librarian, 231 Capital Avenue, Hartford, Connecticut 06106, (203) 566–4301

State: Delaware
Location: Administrative Office of the Courts
Contact: Mr. Michael E. McLaughlin, Deputy Director, Administrative Office of the Courts, Carvel State Office Building, 820 North French Street, 11th Floor, P.O. Box 8911, Wilmington, Delaware 19801, (302) 571–2480

State: District of Columbia
Location: Executive Office, District of Columbia Courts
Contact: Mr. Ulysses Hammond, Executive Officer, Courts of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001, (202) 879–1700

State: Florida
Location: Administrative Office of the Courts
Contact: Mr. Kenneth Palmer, State Court Administrator, Florida State Courts System, Supreme Court Building, Tallahassee, Florida 32399–1900, (904) 488–8621

State: Georgia
Location: Administrative Office of the Courts
Contact: Mr. Robert L. Doss, Jr., Director, Administrative Office of the Courts, The Judicial Council of Georgia, 244 Washington Street, S.W., Suite 550, Atlanta, Georgia 30334, (404) 656–5171

State: Hawaii
Location: Supreme Court Library
Contact: Ms. Ann Koto, Acting Law Librarian, Supreme Court Law Library, P.O. Box 2560, Honolulu, Hawaii 96804, (808) 548–4605

State: Idaho
Location: AOC Judicial Education Library/State Law Library in Boise
Contact: Ms. Laura Pershing, State Law Librarian, Idaho State Law Library, Supreme Court Building, 451 West State Street, Boise, Idaho 83720, (208) 334–3316

State: Illinois
Location: Supreme Court Library
Contact: Ms. Brenda I. Larison, Supreme Court Library, Supreme Court Building, Springfield, Illinois 62701–1791, (217) 782–2424

State: Indiana
Location: Supreme Court Library
Contact: Ms. Constance Matts, Supreme Court Librarian, Supreme Court Library, State House, Indianapolis, Indiana 46204, (317) 232–2557

State: Iowa
Location: Administrative Office of the Court
Contact: Mr. Jerry K. Beatty, Executive Director, Judicial Education & Planning, Administrative Office of the Courts, State Capital Building, Des Moines, Iowa 50319, (515) 281–8279

State: Kansas
Location: Supreme Court Library
Contact: Mr. Fred Knecht, Law Librarian, Kansas Supreme Court Library, 301 West 10th Street, Topeka, Kansas 66614, (913) 296–3257

State: Kentucky
Location: State Law Library
Contact: Ms. Sallie Howard, State Law Librarian, State Law Library, State Capital, Room 200–A, Frankfort, Kentucky 40601, (502) 564–4848

State: Louisiana
Location: State Law Library
Contact: Ms. Carol Billings, Director, Louisiana Law Library, 301 Loyola Avenue, New Orleans, Louisiana 70112, (504) 568–5705

State: Maine
Location: State Law and Legislative Reference Library
Contact: Ms. Lynn E. Randall, State Law Librarian, State House Station 43, Augusta, Maine 04333, (207) 289–1600

State: Maryland
Location: State Law Library
Contact: Mr. Michael S. Miller, Director, Maryland State Law Library, Court of Appeal Building, 361 Rowe Boulevard, Annapolis, Maryland 21401, (301) 974–3395

State: Massachusetts
Location: Middlesex Law Library
Contact: Ms. Sandra Lindheimer, Librarian, Middlesex Law Library, Superior Court House, 40 Thorndike Street, Cambridge, Massachusetts 02141, (617) 494–4148

State: Michigan
Location: Michigan Judicial Institute
Contact: Mr. Dennis W. Catlin, Executive Director, Michigan Judicial Institute, 222 Washington Square North, P.O. Box 30205, Lansing, Michigan 48909, (517) 334–7804

State: Minnesota
Location: State Law Library (Minnesota Judicial Center)
Contact: Mr. Marvin R. Anderson, State Law Librarian, Supreme Court of Minnesota, 25 Constitution Avenue, St. Paul, Minnesota 55155, (612) 297–2084

State: Mississippi
Location: Mississippi Judicial College
Contact: Mr. Rick D. Patt, Staff Attorney, Mississippi Judicial College, 6th Floor, 3825 Ridgewood, Jackson, Mississippi 39211, (601) 982–6590

State: Montana
Location: State Law Library
Contact: Ms. Judith Meadows, State Law Librarian, State Law Library of Montana, Justice Building, 215 North Sanders, Helena, Montana 59620, (406) 444–3660

State: Nebraska
Location: Administrative Office of the Courts
Contact: Mr. Joseph C. Steele, State Court Administrator, Supreme Court of Nebraska, Administrative Office of the Courts, P.O. Box 98910, Lincoln, Nebraska 68509–8910, (402) 471–3730

State: Nevada
Location: National Judicial College
Contact: Dean V. Robert Payant, National Judicial College, Judicial College Building, University of Nevada, Reno, Nevada 89550, (702) 784–6747

State: New Jersey
Location: New Jersey State Library
Contact: Mr. Robert L. Bland, Law Coordinator, State of New Jersey, Department of Education, State Library, 185 West State Street, CN520, Trenton, New Jersey 08625, (609) 292–6230

State: New Mexico
Location: Supreme Court Library
Contact: Mr. Thaddeus Bejnar, Librarian, Supreme Court Library, Post Office Drawer L, Santa Fe, New Mexico 87504, (505) 827–4850

State: New York
Location: Supreme Court Library
Contact: Ms. Susan M. Wood, Esq., Principal Law Librarian, New York State Supreme Court Law Library, Onondaga County Court House, Syracuse, New York 13202, (315) 435–2063

State: North Carolina
Location: Supreme Court Library
Contact: Ms. Lousie Stafford, Librarian, North Carolina Supreme Court Library, P.O. Box 26806 (by courier), 500 Justice Building, 2 East Morgan Street, Raleigh, North Carolina 27601, (919) 733–3425

State: North Dakota
Location: Supreme Court Library
Contact: Ms. Marcella Kramer, Assistant Law Librarian, Supreme Court Law Library, 600 East Boulevard Avenue, 2nd Floor, Judicial Wing, Bismarck, North Dakota 58505–0530, (701) 224–2229

State: Northern Mariana Islands
Location: Supreme Court of the Northern Mariana Islands
Contact: Mr. Honorable Jose S. Delta Cruz, Chief Justice, Supreme Court of the Northern Mariana Islands, P.O. Box 2165, Saipan, MP 96950, (670) 234–5275

State: Ohio
Location: Supreme Court Library
Contact: Mr. Paul S. Fu, Law Librarian, Supreme Court Law Library, Supreme Court of Ohio, 30 East Broad Street, Columbus, Ohio 43266–0419, (614) 466–2044

State: Oklahoma
Location: Administrative Office of the Courts
Contact: Mr. Howard W. Conyers, Director, Administrative Office of the Courts, 1915 North Stiles, Suite, 305, Oklahoma City, Oklahoma 73105, (405) 521–2450

State: Oregon
Location: Administrative Office of the Courts
Contact: Ms. Kingsley Click, State Court Administrator, Supreme Court of Oregon, Supreme Court Building, Salem, Oregon 97310, (503) 378–6046

State: Pennsylvania
Location: State Library of Pennsylvania
Contact: Ms. Betty Lutz, Head, Acquisitions Section, State Library of Pennsylvania, Technical Services, G46 Forum Building, Harrisburg, Pennsylvania 17105, (717) 787–4440

State: Puerto Rico
Location: Office of Court Administration
Contact: Mr. Alfredo Rivera-Mendoza, Esq., Director, Area of Planning and Management, Office of Court Administration, P.O. Box 917, Hato Rey, Puerto Rico 00919

State: Rhode Island
Location: Roger Williams Law School Library
Contact: Ms. Gail Winson, Director, Roger Williams Law School, 10 Metacom Ave., Bristol, RI 02809–5171, (401) 254–4546

State: South Carolina
Location: Coleman Karesh Law Library (University of South Carolina School of Law)
Contact: Mr. Bruce S. Johnson, Law Librarian, Associate, Professor of Law, Coleman Karesh Law Library, U.S.C. Law Center, University of South Carolina, Columbia, South Carolina 29208, (803) 777–5944

State: Tennessee
Location: Tennessee State Law Library
Contact: Ms. Donna C. Wair, Librarian, Tennessee State Law Library, Supreme Court Building, 401 Seventh Avenue N, Nashville, Tennessee 37243–0609, (615) 741–2016

State: Texas
Location: State Law Library
Contact: Ms. Kay Schleuter, Director, State Law Library, P.O. Box 12367, Austin, Texas 78711, (512) 463–1722

State: U.S. Virgin Islands
Location: Library of the Territorial Court of the Virgin Islands (St. Thomas)
Contact: Librarian, The Library, Territorial Court of the Virgin Islands, Post Office Box 70, Charlotte Amalie, St Thomas, U.S. Virgin Islands 00804

State: Utah
Location: Utah State Judicial Administration Library
Contact: Ms. Jennifer Bullock, Librarian, Utah State Judicial, Administration Library, 230 South 500 East, Suite 300, Salt Lake City, Utah 84102, (801) 533–6371

State: Vermont
Location: Supreme Court of Vermont
Contact: Mr. Thomas J. Lehner, Court Administrator, Supreme Court of Vermont, 111 State Street, c/o Pavilion Office Building, Montpelier, Vermont 05602, (802) 828–3278

State: Virginia
Location: Administrative Office of the Courts
Contact: Mr. Robert N. Baldwin, Executive Secretary, Supreme Court of Virginia, Administrative Offices, 100 North Ninth Street, Third Floor, Richmond, Virginia 23219, (804) 786–6455

State: Washington
Location: Washington State Law Library
Contact: Ms. Deborah Norwood, State Law Librarian, Washington State Law Library, Temple of Justice, Mail Stop AV–02, Olympia, Washington 98504–0502, (206) 357–2146

State: West Virginia
Location: Administrative Office of the Courts
Contact: Mr. Richard H. Rosswurm, Deputy Administrative Director for Judicial Education, West Virginia Supreme, Court of Appeals, State Capitol, Capitol E–400, Charleston, West Virginia 25305, (304) 348–0145

State: Wisconsin
Location: State Law Library
Contact: Ms. Marcia Koslov, State Law Librarian, State Law Library, 310E State Capitol, P.O. Box 7881, Madison, Wisconsin 53707, (608) 266–1424

State: Wyoming
Location: Wyoming State Law Library
Contact: Ms. Kathy Carlson, Law Librarian, Wyoming State Law Library, Supreme Court Building, Cheyenne, Wyoming 82002, (307) 777–7509

National: American Judicature Society
Contact: Ms. Clara Wells, Assistant for Information and Library Services, 25 East Washington Street, Suite 1600, Chicago, Illinois 60602, (312) 558–6900

National: National Center for State Courts
Contact: Ms. Peggy Rogers, Acquisitions/Serials Librarian, 300 Newport Avenue, Williamsburg, Virginia 23187–8798, (804) 253–2000

National: Michigan State University
Contact: Dr. John K. Hudzik, Project Director, Judicial Education, Reference, Information and Technical Transfer Project (JERITT), Michigan State University, 560 Baker Hall, East Lansing, Michigan 48824, (517) 353–8603

Appendix III—Illustrative List of Model Curricula

The following list includes examples of curricula that have been developed with support from SJI, and that might be—or in some cases have been—successfully adapted for State-based education programs for judges and other court personnel. A list of all SJI-supported education projects is available from the Institute. Please also check with the JERITT project (517/353–8603) and with your State SJI-designated Library (see Appendix II) for information on other curricula that may be appropriate for your State's needs.

''Manual for Judicial Writing Workshop for Trial Judges'' (University of Georgia/Colorado Judicial Department: SJI–87–018/019)

''Judicial Education Curriculum: Teaching Guides on Court Security, and Jury Management and Impanelment'' (Institute for Court Management/National Center for State Courts: SJI–88–053)

''Caseflow Management Principles and Practices'' (Institute for Court Management/National Center for State Courts: SJI–87–056)

''Adjudication of Farm Credit Issues'' (Rural Justice Center: SJI–87–059)

''A National Program for Reporting on the Courts and the Law'' (American Judicature Society: SJI–88–014)

''Model Judicial Mediation Training Program'' (American Arbitration Association: SJI–88–078)

''Domestic Violence: A Curriculum for Rural Courts'' from ''A Project to Improve Access to Rural Courts for Victims of Domestic Violence'' (Rural Justice Center: SJI–88–081)

''Career Writing Program for Appellate Judges'' (American Academy of Judicial Education: SJI–88–086–P92–1)

''Judges Media Relations Seminar'' from ''A Statewide Program for Improving Media and Judicial Relations'' (Minnesota Supreme Court: SJI–89–024)

''Minding the Courts into the Twentieth Century'' (Michigan Judicial Institute: SJI–89–029)

''Innovative Juvenile and Family Court Training'' (Youth Law Center: SJI–87–060, SJI–89–039)

''Troubled Families, Troubled Judges'' (Brandeis University: SJI–89–071)

''Judicial Settlement Manual'' from ''Judicial Settlement: Development of a New Course Module, Film, and Instructional Manual'' (National Judicial College: SJI–89–089)

''Judicial Training Materials on Spousal Support'', ''Family Violence: Effective Judicial Intervention''; ''Judicial Training Materials on Child Custody and Visitation'' from ''Enhancing Gender Fairness in the State Courts'' (Women Judges' Fund for Justice: SJI–89–062)

''Introduction to the Jurisprudence of Victims' Rights'' from ''Victim Rights and the Judiciary: A Training and Implementation Project'' (National Organization for Victim Assistance: SJI–89–083)

''Fundamental Skills Training Curriculum for Juvenile Probation Officers'' (National Council of Juvenile and Family Court Judges: (SJI–90–017)

''Pre-Bench Training for New Judges'' (American Judicature Society' SJI–90–028)

''A Manual for Workshops on Processing Felony Dispositions in Limited Jurisdiction Courts'' (National Center for State Courts: SJI–90–052)

''The Crucial Nature of Attitudes and Values in Judicial Education'' (National Council of Juvenile and Family Court Judges: SJI–90–058)

''Policy Alternatives and Current Court Practices in the Special Problem Areas of Jurisdiction Over the Family'' from ''Juvenile and Family Court Key Issues Curriculum Enhancement Project'' (National Council of Juvenile and Family Court Judges: SJI–90–066)

''Gender Fairness Faculty Development Workshops'' (National Judicial College: SJI–90–077)

''A Unified Orientation and Mentoring Program for New Judges of All Arizona Trial Courts'' (Arizona Supreme Court: SJI–90–078)

''National Guardianship Monitoring Program'' from ''AARP Volunteers: A Resource for State Guardianship Services'' (Association for the Advancement of Retired Persons: SJI–91–013)

''Medicine, Ethics, and the Law: Preconception to Birth'' (Women Judges Fund for Justice: SJI–89–062, SJI–91–019)

''The Leadership Institute in Judicial Education'' and ''The Advanced Leadership Institute in Judicial Education'' (Appalachian State University: SJI–91–021)

''Managing Trials Effectively: A Program for State Trial Judges'' (National Center for State Courts/National Judicial College: SJI–87–066/067, SJI–89–054/055, SJI–91–025/026)

''Faculty Development Instructional Program'' from ''Curriculum Review'' (National Judicial College: SJI–91–039)

''Legal Institute for Special and Limited Jurisdiction Judges'' (National Judicial College: SJI–89–043, SJI–91–040)

''Managerial Budgeting in the Courts''; ''Performance Appraisal in the Courts''; ''Managing Changes in the Courts''; all three from ''Broadening Educational Opportunities for Judges and Other Key Court Personnel'' (Institute for Court Management/National Center for State Courts: SJI–91–043)

''An Approach to Long-Range Strategic Planning in the Courts'' (Center for Public Policy Studies: SJI–91–045)

''Implementing the Court-Related Needs of Older People and Persons with Disabilities: An Instructional Guide'' (National Judicial College: SJI–91–054)

''National Judicial Response to Domestic Violence: Civil and Criminal Curricula'' (Family Violence Prevention Fund: SJI–87–061, SJI–89–070, SJI–91–055)

''Access to Justice: The Impartial Jury and the Justice System'' and ''When Justice is Up to You'' from ''Pre-Juror Education Project'' (Consortium of Universities of the Washington Metropolitan Area: SJI–91–071)

''Judicial Review of Administrative Agency Decisions'' (National Judicial College: SJI–91–080)

''Strengthening Rural Courts of Limited Jurisdiction'' and ''Team Training for Judges and Clerks'' from ''Rural Limited Jurisdiction Court Curriculum Project'' (Rural Justice Center: SJI–90–014, SJI–91–082)

''Medical/Legal Issues in Juvenile and Family Courts'' (National Council for Juvenile and Family Court Judges: SJI–91–091)

''Good Times, Bad Times: Drugs, Youth, and the Judiciary'' (Professional Development and Training Center, Inc.: SJI–91–095)

''Judicial Response to Stranger and Nonstranger Rape and Sexual Assault'' (National Judicial Education Program to Promote Equality for Women and Men: SJI–92–003)

''Interbranch Relations Workshop'' (Ohio Judicial Conference: SJI–92–079)

''Legal Institute for Non-Law Trained Judges'' (Arizona Supreme Court: SJI–92–146)

''New Employee Orientation Facilitators Guide'' from ''The Minnesota Comprehensive Curriculum Design and Training Program for Court Personnel'' (Minnesota Supreme Court: SJI–92–155)

''Magistrates Correspondence Course'' (Alaska Court System: SJI–92–156)

''Southwestern Judges' Conference on Environmental Law'' (University of New Mexico: SJI–92–162)

''Cultural Diversity Awareness in Nebraska Courts'' from ''Native American Alternatives to Incarceration Project'' (Nebraska Urban Indian Health Coalition: SJI–93–028)

''A Videotape Training Program in Ethics and Professional Conduct for Nonjudicial Court Personnel'' (American Judicature Society: SJI–93–068)

''Integrating Trial Management and Caseflow Management'' (Justice Management Institute: SJI–93–214)

''Civil and Criminal Procedural Innovations for Appellate Courts'' (National Center for State Courts: SJI–94–002)

''Comprehensive ADR Curriculum for Judges'' (American Bar Association: SJI–95–002)

BILLING CODE 6820–SC–M

APPENDIX IV

(Form S1)

STATE JUSTICE INSTITUTE

SCHOLARSHIP APPLICATION

This application does not serve as a registration for the course. Please contact the education provider.

APPLICANT INFORMATION:

1. Applicant Name: _____
(Last) (First) (M)

2. Position: _____

3. Name of Court: _____

4. Address: _____
Street/P.O. Box

_____
City State Zip Code

5. Telephone No. _____

6. Congressional District: _____

PROGRAM INFORMATION:

7. Course Name: _____

8. Course Dates: _____

9. Course Provider: _____

10. Location Offered: _____

ESTIMATED EXPENSES: (Please note, scholarships are limited to tuition and transportation expenses to and from the site of the course up to a maximum of $1,500.)

Tuition: $_____

Transportation: $_____
(Airfare,trainfare, or if you plan to drive, an amount equal to the approximate distance and mileage rate.)

Amount Requested: $_____

SJI

1650 King Street, Suite 600, Alexandria, Virginia 22314 (703) 684-6100

ADDITIONAL INFORMATION: Please attach a current resume or professional summary, and answer the following questions. (You may attach additional pages if necessary.)

1. How will taking this course benefit you, your court, and the State's courts generally?

2. Is there any education or training currently available through your State on this topic?

3. How will you apply what you have learned? Please include any plans you may have to develop/teach a course on this topic in your jurisdiction/State, provide in-service training, or otherwise disseminate what you have learned to colleagues.

4. Are State or local funds available to support your attendance at the proposed course? If so, what amount(s) will be provided?

5. How long have you served as a judge or court manager?

6. How long do you anticipate serving as a judge or court manager, assuming reelection or reappointment?

7. What continuing professional education programs have you attended in the past year? Please indicate which were mandatory (M) and which were non-mandatory (V).

STATEMENT OF APPLICANT'S COMMITMENT

If a scholarship is awarded, I will submit an evaluation of the educational program to the State Justice Institute and to the Chief Justice of my State.

_____ _____

Signature Date

Please return this form and Form S-2 to: State Justice Institute, 1650 King Street, Suite 600, Alexandria Virginia 22314

(Form S2)

STATE JUSTICE INSTITUTE

SCHOLARSHIP APPLICATION

CONCURRENCE

I, _____,
Name of Chief Justice (or Chief Justice's Designee)

have reviewed the application for a scholarship to attend the program entitled

_____,

prepared by _____.
Name of Applicant

and concur in its submission to the State Justice Institute. The applicant's participation in the program would benefit the State; the applicant's absence to attend the program would not present an undue hardship to the court; and receipt of a scholarship would not diminish the amount of funds made available by the State for judicial education.

_____
Signature

_____
Name

_____
Title

_____
Date

APPENDIX V

CURRICULUM ADAPTATION GRANT & TECHNICAL ASSISTANCE GRANT

BUDGET FORM

Category	SJI Funds	Cash Match	In-Kind Match
Personnel	$ _____	$ _____	$ _____
Fringe Benefits	$ _____	$ _____	$ _____
Consultant/Contractual	$ _____	$ _____	$ _____
Travel	$ _____	$ _____	$ _____
Equipment	$ _____	$ _____	$ _____
Supplies	$ _____	$ _____	$ _____
Telephone	$ _____	$ _____	$ _____
Postage	$ _____	$ _____	$ _____
Printing/Photocopying	$ _____	$ _____	$ _____
Audit	$ _____	$ _____	$ _____
Other	$ _____	$ _____	$ _____
Indirect Costs (%)	$ _____	$ _____	$ _____
TOTAL	$ _____	$ _____	$ _____

PROJECT TOTAL $ _____

Financial assistance has been or will be sought for this project from the following other sources:

_____

_____

* Curriculum Adaptation grant requests, and Technical Assistance grant requests should be accompanied by a budget narrative explaining the basis for each line-item listed in the proposed budget.

APPENDIX VI

Form B
(Instructions on
Reverse Side)

STATE JUSTICE INSTITUTE

Certificate of State Approval

The _____
Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled _____

prepared by _____
Name of Applicant

approves its submission to the State Justice Institute, and

[ ] agrees to receive and administer and be accountable for all funds awarded by the Institute pursuant to the application.

[ ] designates _____
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by the Institute pursuant to the application.

_____ _____
Signature *Date*

_____
Name

_____
Title

APPENDIX VII

STATE JUSTICE INSTITUTE
APPLICATION

1. APPLICANT
a. Applicant Name _____
_____
b. Organizational Unit _____
c. Street/P.O. Box _____
d. City _____
e. State _____ f. Zip Code _____
g. Name and Telephone Number of Contact Person
_____

2. TYPE OF APPLICANT *(Circle appropriate letter)*
a. State court
b. National State court support organization
c. National state court education/training organization
d. College or university
e. Other non-profit organization or agency
f. Individual
g. Corporation or partnership
h. Other unit of government
I. Other _____
_____

3. EMPLOYER IDENTIFICATION NO. _____

4. ENTITY TO RECEIVE FUNDS *(if different from applicant)*
a. Name of Responsible Entity _____
_____
b. Street/P.O. Box _____
d. City _____
e. State _____ f. Zip Code _____
f. Name and Telephone Number of Contact Person
_____

5. TYPE OF PROJECT
(Circle appropriate letter)
a. Education/Training
b. Research/Evaluation
c. Demonstration
d. Technical Assistance
e. Other _____
_____

6. APPLICATION TYPE
(Circle appropriate letter)
a. New
b. Supplement
c. Continuation
d. Ongoing Support
e. Curriculum Adaptation
f. Technical Assistance

7. TITLE OF PROPOSED PROJECT

8. PROPOSED START DATE _____

9. PROJECT DURATION (Months) _____

10. a. AMOUNT REQUESTED FROM SJI $_____
b. AMOUNT OF MATCH
Cash match $_____
Non-cash match $_____
c. TOTAL MATCH $_____
d. TOTAL PROJECT COST $_____

11. IF THIS APPLICATION HAS BEEN SUBMITTED TO OTHER FUNDING SOURCES, PLEASE PROVIDE THE FOLLOWING INFORMATION:
Source _____
Date Submitted _____
Amount Sought _____
Disposition (if any) or Current Status _____

12. CONGRESSIONAL DISTRICT OF: _____ _____
Applicant: Name of Representative; District Number
Project (if different than applicant): Name of Representative; District Number

13. CERTIFICATION
On behalf of the applicant, I hereby certify that to the best of my knowledge the information in this application is true and conplete. I have read the attached assurances (Form D) and understand that if this application is approved for funding, the award will be subject to those assurances. I certify that the applicant will comply with the assurances if the application is approved and that I am lawfully authorized to make these representations on behalf of the applicant.

_____ _____ _____
SIGNATURE OF RESPONSIBLE OFFICIAL OF APPLICANT TITLE DATE
(For application from State and local courts, Form B, Certificate of State Approval, must be attached.)

Form A 12/95

STATE JUSTICE INSTITUTE

PROJECT BUDGET

(TABULAR FORMAT)

Applicant: _____

Project Title: _____

For Project Activity from _____ **to** _____

Total Amount Requested for Project from SJI $ _____

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel							
Fringe Benefits							
Consultant / Contractual							
Travel							
Equipment							
Supplies							
Telephone							
Postage							
Printing / Photocopying							
Audit							
Other (specify)							
Direct Costs							
Indirect Costs							
Total							

Remarks:

Form C 12/95

STATE JUSTICE INSTITUTE

PAGE __ OF ___

PROJECT BUDGET

(SPREADSHEET FORMAT)

Applicant: _____

Project Title: _____

For Project Activity from _____ **to** _____

Total Amount Requested for Project from SJI $ _____

(See instruction regarding column headings)

ITEM							
Personnel							
Fringe Benefits							
Consultant / Contractual							
Travel							
Equipment							
Supplies							
Telephone							
Postage							
Printing / Photocopying							
Audit							
Other (specify)							
Direct Costs							
Indirect Costs (%)							
SJI Total							
STATE FUNDS							
FEDERAL FUNDS							
APPLICANT FUNDS							
OTHER FUNDS							
IN-KIND FUNDS							
Total							

Form C1 12/95

BILLING CODE 6820–SC–C

State Justice Institute

Assurances

The applicant hereby assures and certifies that it possesses legal authority to apply for the award, and that if funds are awarded by the State Justice Institute pursuant to this application, it will comply with all applicable provisions of law and the regulations, policies, guidelines and requirements of the Institute as they relate to the acceptance and use of Institute funds pursuant to this application. The applicant further assures and certifies with respect to this application, that:

1. No person will, on the basis of race, sex, national origin, disability, color, or creed be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by Institute funds, and that the applicant will immediately take any measures necessary to effectuate this assurance.

2. In accordance with 42 U.S.C. 10706(a), funds awarded to the applicant by the Institute will not be used, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by Federal, State or local agencies, or to influence the passage or defeat of any legislation or constitutional amendment by any Federal, State or local legislative body.

3. In accordance with 42 U.S.C. 10706(a) and 10707(c):

a. It will not contribute or make available Institute funds, project personnel, or equipment to any political party or association, to the campaign of any candidate for public or party office, or to influence the passage of defeat of any ballot measure, initiative, or referendum;

b. No officer or employee of the applicant will intentionally identify the Institute or the applicant with any partisan or nonpartisan political activity or the campaign of any candidate for public or party office; and,

c. No officer or employee of the applicant will engage in partisan political activity while engaged in work supported in whole or in part by the Institute.

4. In accordance with 42 U.S.C. 10706(b), no funds awarded by the Institute will be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities.

5. In accordance with 42 U.S.C. 10706(d), no funds awarded by the Institute will be used to supplant State or local funds supporting a program or activity; to construct court facilities or structures, except to remodel existing facilities or to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program; or to solely purchase equipment for a court system.

6. It will provide for an annual fiscal audit of the project.

7. It will give the Institute, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award.

8. In accordance with 42 U.S.C. 10708(b) (as amended), research or statistical information that is furnished during the course of the project and that is identifiable to any specific individual, shall not be used or revealed for any purpose other than the purpose for which it was obtained. Such information and copies thereof shall be immune from legal process, and shall not be offered as evidence or used for any purpose in any action suit, or other judicial, legislative, or administrative proceeding without the consent of the person who furnished the information.

9. All research involving human subjects will be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of persons who are not subjects of the research but would be affected by it, unless such procedures and safeguards would make the research impractical. In such instances, the Institute must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and to minimize or eliminate risk of harm to those subjects due to their participation.

10. All products prepared as the result of the project will be originally-developed material unless otherwise specifically provided for in the award documents, and that material not originally developed that is included in such projects must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

11. No funds will be obligated for publication or reproduction of a final product developed with Institute funds without the written approval of the Institute. The recipient will submit a final draft of each such product to the Institute for review and approval prior to submitting that product for publication or reproduction.

12. The following statement will be prominently displayed on all products prepared as a result of the project:

This [document, film, videotape, etc.] was developed under a [grant, cooperative agreement, contract] from the State Justice Institute. Points of review expressed herein are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.

13. The ''SJI'' log will appear on the front cover of a written product or in the opening frames of a video production produced with SJI funds, unless another placement is approved in writing by the Institute.

14. Except as otherwise provided in the terms and conditions of an Institute award, the recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an Institute-supported project, but the Institute shall reserve a royalty-free, non-exclusive and irrevocable right to reproduce, publish, or other wise use, and to authorize others to use, the materials for purposes consistent with the State Justice Institute Act.

15. It will submit quarterly progress and financial reports within 30 days of the close of each calendar quarter during the funding period (that is, no later than January 30, April 30, July 30, and October 30); that progress reports will include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period; and that financial reports will contain the information requested on the financial report form included in the award documents.

16. At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with Institute funds shall vest in the court, organization or individual that purchased the property if certification is made to the Institute that the property will continue to be used for the authorized purposes of Institute-funded project or other purposes consistent with the State Justice Institute Act, as approved by the Institute. If such certification is not made or the Institute disapproves such certification, title to all such property with an aggregate or individual value of $1,000 or more shall vest in the institute, which will direct the disposition of the property.

17. The person signing the application is authorized to do so on behalf of the applicant and to obligate the applicant to comply with the assurances enumerated above.

BILLING CODE 6820–SC–M

DISCLOSURE OF LOBBYING ACTIVITIES

The State Justice Institute Act prohibits grantees from using funds awarded by the Institute to directly or indirectly influence the passage or defeat of any legislation by Federal, State of local legislative bodies. 42 U.S.C. 10706 (a). It also is the policy of the Institute to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner.

Consistent with this policy and the provisions of 42 U.S.C. 10706 (a), the Institute will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application. As a means of implementing that prohibition, SJI requires organizations submitting applications to the Institute to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. This form must be submitted with your application.

Name of Applicant: _____

Title of Application: _____

_____

☐ **Yes** ☐ **No** **Has the applicant (or an entity that is part of the same organization as the applicant) directly or indirectly advocated a position before Congress on any issue within the past five years?**

SPECIFIC SUBJECTS OF LOBBYING EFFORTS

If you answered **YES** above, please list the specific subjects on which your organization (or another entity that is part of your organization) has directly or indirectly advocated a position before Congress within the past five years. If necessary, you may continue on the back of this form or on an attached sheet.

Subject	Year

STATEMENT OF VERIFICATION

I declare under penalty of perjury that the information contained in this disclosure statement is correct and that I am authorized to make this verification on behalf of the applicant.

_____

Signature **Name (Typed)**

_____

Title **Date**

BILLING CODE 6820–SC–C

Instructions—Form A

1. (a)–(g) Legal Name of Applicant court, entity or individual; Name of The Organizational Unit, if any, that will conduct the project; Complete Address of applicant; Name and telephone number of a Contact Person who can provide further information about this application.

2. (a) State or Local Court includes all appellate, general jurisdiction, limited jurisdiction, and special jurisdiction courts. Agencies of State and local courts include all governmental offices that are supervised by or report for administrative purposes to the chief or presiding justice or judge, or his or her designee.

(b) National State Court Support Organization include national non-profit organizations controlled by, operating in conjunction with, and serving the State courts.

(c) National State Court Education/Training Organizations include national non-profit organizations for the education and training of judges and support personnel of the judicial branch of State government.

(d) College or University includes all institutions of higher education.

(e) Other Non-profit Organization or Agency includes those non-profit organizations and private agencies with expertise in judicial administration not included in sub-paragraphs (b)–(d).

(f) Individual means a person not applying in conjunction with or on behalf of an entity identified in one of the other categories.

(g) Corporation or Partnership includes for-profit and not-for-profit entities not falling within one of the other categories.

(h) Other Unit of Government includes any governmental agency, office, or organization that is not a State or local court.

3. Employer Identification Number as assigned by the Internal Revenue Service.

4. (a)–(f) Entity to Receive Funds is the court or organization that will receive, administer, and account for any moneys awarded. For example, if the applicant is a State or local court, the entity to receive funds would be the State's Supreme Court or its designated agency or council in accordance with 42 U.S.C. 10705(b)(4). If the applicant is a special university program, the responsible entity may be the university's structure. Applicants should complete this block only if the entity that will receive the funds is different from the applicant.

5. (a)–(e) Circle the letter of the Type of activities that best characterizes the project. If project funds will be substantially divided among two or more activities, circle the letters for each of those activities.

6. (a) New refers to the first award of State Justice Institute funds for a particular project, whether or not the applicant has received previous awards for different projects from the Institute.

(b) Supplement refers to the award of additional funds to permit an existing project to complete the task originally proposes or to augment the scope of the project within the current project period.

(c) Continuation refers to an extension for an additional funding period.

(d) Ongoing Support refers to an SJI-funded project for which there is a continuing important national need.

7. The Title of the Proposed Project shall reflect the objectives of the activities to be conducted.

8. The Proposed Start Date of the project should be the earliest feasible date on which the applicant will be able to begin project activities following the date of award. An explanation should be provided in the Program Narrative if the proposed start date is more than 90 days after the estimated award date set forth in the Application Review Procedures section of the current Grant Guideline.

9. Project Duration refers to the number of months the applicant estimates will be needed to complete all project tasks after the proposed start date.

10. (a) Insert the Amount Requested from the State Justice Institute to conduct the project.

(b) The Amount of Match is the amount, if any, to be contributed to the project by the applicant, by a unit of State or local governments, by a Federal agency, or by private sources. See 42 U.S.C. 10705(d).

Cash Match refers to funds directly contributed by the applicant, a unit of State or local government, a Federal agency, or private sources to support the project.

Non-cash Match refers to in-kind contributions by the applicant, a unit of State or local government, or private sources to support the project. The applicant should describe in detail, both the value it assigns to in-kind contributions and the basis for determining that value.

Total Match refers to the sum of the cash and in-kind contributions to the project.

(c) Total Project Cost represents the sum of the amount requested from the Institute and all match contributions to the project.

11. If this application or an application requesting support for the same project or an essentially similar project has been Previously Submitted to another funding source (Federal or private), the name of the source, the date of the previous submission, the amount of funding sought, and the disposition (if any) should be entered.

12. Enter the number of the applicant's Congressional District and the name of the applicant's Representative and the number of the Congressional district(s) in which most of the project activities will take place and the name(s) of the Representatives from those districts. If the project activities are not site-specific, for example a series of training workshops that will bring together participants from around the State, the country, or from a particular region, enter Statewide, National, or Regional, as appropriate, in the space provided.

Instructions—Form B

The State Justice Institute Act requires that:

Each application for funding by a State or local court shall be approved, consistent with State law, by the State's Supreme Court, or its designated agency or council, which shall receive, administer, and be accountable for all funds awarded by the Institute to such courts. 42 U.S.C. 10705(b)(4).

FORM B should be signed by the Chief Judge or Chief Justice of the State Supreme Court, or by the director of the designated agency or chair of the designated council. If the designated agency or council differs from the designee listed in Appendix I to the State Justice Institute Grant Guideline, evidence of the new or additional designation should be attached.

The term ''State Supreme Court'' refers to the court of last resort of a State. ''Designated agency or council'' refers to the office or judicial body which is authorized under State law or by delegation from the State Supreme Court to approve applications for funds and to receive, administer shall be accountable for those funds.

Instructions—Forms C and C1

Applicants may submit the proposed project budgets either in the tabular format of Form C or in a spreadsheet format similar to Form C1. Applicants requesting more than $100,000 are encouraged to use the spreadsheet format. If the proposed project period is for more than 12 months, separate totals should be submitted for each succeeding twelve-month period or portion thereof beyond 12.

In addition to Form C or C1, Applicants must provide a detailed budget narrative providing an explanation of the basis for the estimates in each budget category (See Guidelines section VII.D). If the applicant is requesting indirect costs and has an indirect cost rate that has been approved by a Federal agency, the basis for that rate together with a copy of the letter or other official document stating that it has been approved should be attached.

If funds from other sources have been requested either as match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

COLUMN HEADINGS: For Budget Form C1 columns should be labeled consecutively by tasks, e.g., TASK #1, TASK #2, etc. At the end of each twelve month period or portion thereof beyond month 12 the following four columns must be included: SJI FUNDS; MATCH; OTHER; TOTAL. Entries in these columns should include the line-item totals by source of funding per the column headings.

[FR Doc. 95–30363 Filed 12–13–95; 8:45 am]

BILLING CODE 6820–SC–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Challenge 2000 Subcommittee

ACTION: Notice of meeting cancellation.

The FAA is issuing this notice to advise the public that the December 18 meeting of the Challenge 2000 Subcommittee of the Research, Engineering and Development Advisory Committee (60 FR 62288, December 5, 1995) has been cancelled.

For further information contact: Ms. Nancy Lane, Federal Aviation

Administration (AIR–510), 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–7061.

Issued in Washington, DC, on December 8, 1995.

Clyde A. Miller,

Manager, Research Division, AAR–200.

[FR Doc. 95–30450 Filed 12–13–95; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Coordinating Council on January 9, 1996. The session is expected to focus on: (1) Federal Intelligent Transportation Systems (ITS) reports; (2) ITS AMERICA President's report; (3) Dedicated Short Range Communications Standard; (4) Report on Intermodal Transportation Workshop; (5) Update on Outreach Activities to State and Local Governments; (6) Update on ITS AMERICA Committee Action Plans; (7) Update on World Congress activities; (8) Discussion of the ITS AMERICA Sixth Annual Meeting. ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA), 5 U.S.C. app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Coordinating Council of ITS AMERICA will meet on January 9 from 9:30 a.m. to 12:00 noon (Eastern Standard time).

ADDRESSES: Sheraton Washington Hotel, 2660 Woodley Road, NW., Washington, D.C. 20008, (202) 328–2000.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue, SW., Suite 800, Washington, D.C. 20024. Persons desiring further information or to request to speak at this meeting should contact Mr. Chris Body at ITS AMERICA by telephone at (202) 484–4131, or by FAX at (202) 484–3483. The DOT contact is Mr. Whitey Metheny, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–2835. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: December 6, 1995

Christine M. Johnson,

Director, ITS Joint Program Office.

[FR Doc. 95–30454 Filed 12–13–95; 8:45 am]

BILLING CODE 4910–22–P

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on January 11, 1996. The session is expected to focus on: (1) Federal ITS program reports; (2) Report of the ITS AMERICA Nominating Committee; (3) Report of the ITS AMERICA Coordinating Council; (4) Report on the ITS Deployment Goal Statement; (5) Update on the ITS AMERICA Sixth Annual Meeting; (6) Report on ITS World Congresses: Yokohama Review (1995), Orlando Plans (1996). ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA), 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Board of Directors of ITS AMERICA will meet on January 11 from 1:00 p.m. to 5:00 p.m.

ADDRESSES: Sheraton Washington Hotel, 2660 Woodley Road, N.W., Washington, D.C. 20008, (202) 328–2000.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue, SW., Suite 800, Washington, D.C. 20024. Persons desiring further information or to request to speak at this meeting should contact Mr. Chris Body at ITS AMERICA by telephone at (202) 484–4131 or by FAX at (202) 484–3483. The DOT contact is Mr. Whitey Metheny, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–2835. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on December 6, 1995.

Christine M. Johnson,

Director, ITS Joint Program Office.

[FR Doc. 95–30455 Filed 12–13–95; 8:45 am]

BILLING CODE 4910–22–P

National Highway Traffic Safety Administration

[Docket 95–41 GR]

Public Meeting: Glazing Research

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting; request for comments.

SUMMARY: This notice: (1) Announces a public meeting to discuss NHTSA's research findings to date on advanced glazing materials that may prevent ejection of vehicle occupants through motor vehicle windows during crashes; (2) invites oral presentations at the meeting from industry experts, equipment manufacturers, and vehicle manufacturers; and (3) invites written comments and data from the public on the same subject. To focus the responses in preparation for this technology transfer and information exchange, the agency also provides a list of questions for commenters.

DATES: *Public meeting:* The Advanced Glazing Research Meeting will be held on Thursday, February 1, 1996, from 9:00 a.m. to 4:00 p.m., Eastern Standard Time. The agenda is discussed below.

Written comments: Written comments are due before March 1, 1996.

ADDRESSES: *Public meeting:* The public meeting will be held at the following location: Holiday Inn Capitol, 550 C Street SW., Washington, DC 20024, Telephone: (202) 479–4000, Fax: (202) 488–4627.

Written comments: All written comments should be mailed to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street SW., Washington, DC 20590. Please refer to the docket number when submitting written comments.

FOR FURTHER INFORMATION CONTACT: Margaret Gill, Office of Vehicle Safety Standards, NPS–12, NHTSA, 400 7th Street SW., Washington, DC 20590 (telephone 202–366–2264, fax 202–366–4329). By electronic mail: MGill@nhtsa.dot.gov

SUPPLEMENTARY INFORMATION:

I. Background

The Intermodal Surface Transportation Efficiency Act of 1991 required NHTSA to initiate rulemaking to address the problems of rollover crashes. To fulfill this requirement, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) on January 2, 1992, (57 FR 242) to solicit information concerning rollover crashes. A Rulemaking Plan entitled ''Planning Document for Rollover Prevention and Injury Mitigation'' (Docket 91–68 No. 1) was published for public review on September 29, 1992 (57 FR 198). The planning document outlined crash avoidance and crashworthiness rulemaking approaches to reduce rollover-related injuries and fatalities.

As part of the analysis of rollover accidents, the agency determined that a significant number of injuries and deaths was associated with ejection of vehicle occupants out of windows. Accordingly, the agency broadened the goal of an ongoing side-impact research program to include research on preventing ejection through glazing during rollover accidents. The agency also created a cross-agency research team to expedite the research and analysis of the problem of occupants being ejected through glazing. This Advanced Glazing Research Team has developed analytical and research tools to evaluate the problem of ejection, and to assess potential mitigating glazing designs, and has so far:

1. Developed and built an impactor that can project 18 kilograms (40 pounds) at 24 kilometers per hour (15 mph). This represents a maximum force that NHTSA believes is likely to be exerted by the head/shoulder on the side windows in a typical rollover or side impact crash. This impactor is being used in NHTSA's research for testing advanced glazing materials.

2. Developed full-vehicle computer models and finite element material models (FEA) to assess the potential for occupant injury against the glazing encountered in rollover crashes.

3. Monitored technological developments in advanced glazing.

4. Manufactured and tested prototype encapsulated windows, mounted in modified doors.

5. Conducted a cost, weight, and lead-time analysis of the use of alternative glazing materials.

6. Conducted a benefits analysis to determine the number of lives potentially saved by the use of alternative glazing materials.

These activities are detailed in two reports: (1) ''Alternative Glazing Cost Study, September 1995 Final Report'' and (2) ''Ejection Mitigation Using Advanced Glazing, A Status Report, November 1995.'' Copies of these reports have been placed in docket 95–41–GR. NHTSA encourages commenters to review these reports prior to the public meeting, because they form the basis for many of the questions upon which the agency is requesting comment.

The agency believes that the alternative glazing concepts that it has examined for the front, side windows of light vehicles are capable of preventing approximately 1,300 fatalities per year. Vehicle modifications for these front and side window systems may cost between $48 and $79 per vehicle. Prototype systems have been produced and appear feasible and practical.

II. Questions for the Public

To aid the agency in acquiring the information it needs from its partners who will be submitting written comments, and to focus the discussion at the public meeting, NHTSA is including a list of questions and requests for data within this notice. For easy reference, the questions are numbered consecutively. NHTSA encourages commenters to provide specific responses for each question for which they may have information or views. In addition, to facilitate tabulation of the written comments in sequence, please identify the number of each question to which you are responding.

NHTSA requests that commenters provide as specific a rationale as possible, including analysis of safety consequences, for any positions that are taken. NHTSA encourages commenters to provide scientific analysis and data relating to materials, designs, testing, manufacturing and field experience.

The following list of questions does not purport to be an all-inclusive collection of items relevant to this research. NHTSA encourages commenters to provide any other data they believe are relevant.

1. Are the glazing materials selected for computer modeling sufficient to characterize the responses that may be observed from ejection resistant glazing materials? Can you suggest additional materials for use in NHTSA's computer models? If so, can you supply any impact-speed-sensitive material data?

2. Are NHTSA's current retention test equipment and procedures sufficient to characterize a glazing's ability to keep an occupant in a vehicle? Can you suggest additional test techniques that should be investigated? Do you know of any additional research on occupant-glazing impacts?

3. Are the cost data presented in the report accurate? If not, can you supply NHTSA with some better cost data?

4. Please provide any comments and supporting material of your comments on the cost, weight, and lead time analysis conducted by NHTSA.

5. Are the injury criteria discussed in this report sufficient? Can you recommend others? Do you have any injury test data?

6. Do you have any information that addresses the repeatability of glazing impact tests?

7. Does the encapsulation design look practical for production vehicles? Do you know of any movable side window encapsulation systems currently in production? Can you recommend any improvements to the encapsulation system NHTSA used?

8. To what extent of vehicle damage would encapsulated advanced glazing be effective in preventing occupant ejection?

9. Do the current hard coat techniques provide adequate scratch resistance for rigid plastic and glass-plastic glazing to be practicable for side windows and acceptable to consumers? Do you know of any new technologies that should be investigated?

10. Is durability or environmental exposure a problem with any advanced glazing materials?

11. The recently implemented British Standard AU 209 Part 4: 1995, permits laminated security glazing, which will deter unauthorized entry into a motor vehicle. Would an investigation of these security glazings benefit NHTSA's ejection mitigation research program?

12. Are there any quantifiable security or design benefits to these security glazings?

13. Are there any performance benefits, other than preventing ejections, known to be associated with ejection-mitigating glazings?

14. Are there any known disadvantages to ejection-mitigating glazings?

15. Are there any vehicles currently in use that employ advanced glazing materials?

16. Are there any other data, research or analyses available on glazing impacts? Is there any work being done on laceration measurement?

17. Are there any data to support or refute the data or conclusions of the agency's status report?

III. Public Meeting Procedural Matters

As part of the President's initiative to reform the regulatory process, the agency has taken steps to increase

technology transfer and exchange with the public and the automotive industry, in various aspects of highway and motor vehicle safety. As part of this goal to promote national and international cooperation, the agency will conduct a public meeting on the ongoing research program concerning mitigation of motor vehicle occupant ejections out of windows. At this public meeting, the agency will present test and analytical data that the agency has gathered to date. The agency's presentation will include:

—Background and Basis for the Research
—Research, including impactor development, prototype ejection-mitigating design development, and component test results.
—Computer modeling of glazing impacts
—Alternative glazing systems cost, weight, lead time
—Benefits analysis

The agency also solicits relevant presentations, research findings, and views from its partners at this meeting. NHTSA especially solicits participation in the form of presentations by technical experts, both in the form of critiques of the agency's research and of independent research. Within the available time, NHTSA will try to accommodate all persons wishing to make oral presentations.

Those wishing to make oral presentations at the meeting should contact the Public Meeting Coordinator, Margaret Gill, at the mailing address, telephone number, fax number, or electronic mail address listed above, by January 17, 1996. If the presentation will include slides, motion pictures, or other visual aids, please so indicate and NHTSA will make the proper equipment available. Presenters should bring at least one copy of their presentation to the meeting so that NHTSA can readily include the material in the public record. NHTSA will provide ''auxiliary aids'' (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials or large print materials and/or a magnifying device) to speakers or other participants as necessary. Any person desiring assistance of auxiliary aids should contact Margaret Gill, (202) 366–2264, by close-of-business, January 17, 1996.

The agency estimates that NHTSA's presentations will take approximately three and one-half hours, consuming the morning session of the meeting. The afternoon session will be used for other presenters, and for questions that weren't answered during the morning session. There will be a question period after each presentation. Those speaking at the public meeting should limit the length of their presentations to 20 minutes.

A tentative agenda will be available January 22, 1996. You can obtain the tentative agenda upon request from the agency, or over the Internet on NHTSA's Internet home page at http://www.nhtsa.dot.gov/nps/glazmeet.html. A final schedule of participants making oral presentations will be available at the designated meeting room on the day of the meeting.

The agency intends to conduct the after-presentation portions of the public meeting in an informal manner, in order to promote maximum participation by all who attend. Interested persons may ask questions or provide comments immediately after each party has completed its presentation. If time permits, persons who have not requested time to speak but would like to make a statement or presentation will be afforded an opportunity to do so. There will be further opportunities for questions and information exchange at the end of the meeting.

After the meeting, NHTSA will place a copy of any written statements in the docket for this notice. A verbatim transcript of the meeting will be prepared and also placed in the NHTSA docket as soon as possible after the meeting.

IV. Submission of Written Comments

Participation in the meeting is not a prerequisite for the submission of written comments. NHTSA invites written comments from all interested parties. It is requested but not required that 10 copies be submitted. Written comments must not exceed 15 pages in length. (See 49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR 512.

All relevant comments received will be reviewed by the agency and will be available for examination in the docket at the above address. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Issued on December 8, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–30425 Filed 12–13–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Privacy Act of 1974; As Amended; System of Records

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Amendment to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974 (Privacy Act), the Department of the Treasury (Treasury), the Office of the Comptroller of the Currency (OCC) is publishing an amendment to an existing system of records. This amendment reflects an ongoing review of an existing system of records pursuant to Appendix I to OMB Circular No. A–130—Revised, which has resulted in changes in nearly all elements of the system of records. In addition, the changes reflect a new proposed interagency suspicious activity reporting process, combining the criminal referral and suspicious financial transactions reporting requirements of the Federal financial regulatory agencies and Treasury, and involving the use of a new computerized database maintained by Financial Crimes Enforcement Network (FinCEN) on behalf of the Federal financial regulatory agencies and Treasury.

DATES: Comments must be received by January 16, 1996. If no comments are received which precipitate changes to the system, the system will become effective on January 23, 1996.

ADDRESSES: Comments should be sent to: Communications Division, Docket No. 95–25, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, or FAX number 202–874–5274. Electronic comments should be sent to REG.COMMENTS.@OCC.TREAS.GOV.

Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Frank D. Vance, Jr., Disclosure Officer, Communications Division, (202) 874–4700; Robert S. Pasley, Assistant Director, Enforcement and Compliance Division, (202) 874–4800.

SUPPLEMENTARY INFORMATION: The OCC is amending its existing system of records entitled Enforcement and Compliance Information System, Treasury/Comptroller .013, last published in the Federal Register at 60 FR 56688 (November 9, 1995) for which it has promulgated exemption rules pursuant to exemptions (j)(2) and (k)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2) and (k)(2). Components of the system have been designated as exempt under 5 U.S.C. 552a(j)(2). In addition, because the information in the system consists of investigatory material compiled for law enforcement purposes, the system is exempt under 5 U.S.C. 552a(k)(2).

Certain of the changes to the system reflect an agreement between FinCEN and the Federal Reserve Board (FRB), OCC, the Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the National Credit Union Administration (NCUA) (the Federal financial regulatory agencies) to store Suspicious Activity Reports (SAR), as well as information pertaining to administrative actions taken against individuals, in electronic form in a database maintained by FinCEN and located at the Internal Revenue Service (IRS) Computing Center in Detroit, Michigan. It is proposed that the IRS Computing Center, as a contractor to FinCEN and the Federal financial regulatory agencies, will operate and administer the computer system that supports the SAR database.

The Federal financial regulatory agencies are adopting the SAR as a replacement for the Criminal Referral Form, which has been used by depository institutions to report suspected criminal activity to the Federal financial regulatory agencies and the Federal law enforcement authorities (see FRB and OCC proposed rules at 60 FR 34481 and 60 FR 34476, respectively, July 3, 1995, and OTS proposed rule at 60 FR 36366, July 17, 1995), and by Treasury to implement suspicious financial transaction reporting rules (see Treasury proposed rule at 60 FR 46556, September 7, 1995).

Information from the Criminal Referral Form was included in the existing Enforcement and Compliance Information System, and similar information collected through the SAR will continue to be included in the revised Enforcement and Compliance Information System. In addition to reports of suspected criminal activity, the SAR also allows a bank to report suspicious financial transactions under Federal money laundering statutes, pursuant to Treasury regulations (31 CFR part 103). This information, which may include financial transactions by individuals, is included in the existing system. Only the information collected by the SAR, and its status updates, are located in the database maintained by FinCEN; all other information in the Enforcement and Compliance Information System is located at the OCC.

Pursuant to the inter-agency agreement between FinCEN and the Federal financial regulatory agencies, FinCEN will manage a computerized database containing the SAR, administrative actions against individuals and status updates, which is information currently collected and/or maintained separately by the Federal financial regulatory agencies. With regard to this database, only those records generated under the jurisdiction of the OCC are considered to be OCC records for purposes of the Privacy Act. Access to and use of these OCC records by other agencies continue to be governed by the routine uses in the OCC's Enforcement and Compliance Information System.

Accordingly, the ''Routine Uses'' element is amended to reflect one new routine use, regarding the sharing among Federal financial regulatory agencies and law enforcement agencies of the information collected by the SAR, the administrative actions and the status updates. In addition, the following ''Routine Uses'' are being deleted from the existing system: numbers (2), (4), (8), and (10). One of the ''Routine Uses,'' number (7), has been modified to more narrowly define when and under what circumstances the OCC will, in its sole discretion, disclose copies of the SAR. Another ''Routine Use,'' number (9), has been modified slightly. The routine uses have also been renumbered. Additionally, the ''Safeguards'' element is amended to add that on-line access to the computerized database maintained by FinCEN is limited to authorized individuals specified by each Federal financial regulatory agency and Treasury, and issued a non-transferable identifier or password.

Other amendments reflect organizational changes and are not significant. The exemptions for this system of records continue to be (j)(2) and (k)(2), 5 U.S.C. 552a(j)(2) and (k)(2), because the information consists of investigatory material compiled for law enforcement purposes.

The altered system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix 1 to OMB Circular A–130, Federal Agency Responsibilities for Maintaining Records About Individuals, dated July 15, 1994.

The proposed altered system of records, Treasury/Comptroller .013, Enforcement and Compliance Information System is published in its entirety below.

Dated: December 5, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

Treasury/Comptroller .013

SYSTEM NAME:

Enforcement and Compliance Information System.

SYSTEM LOCATION:

Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. Computerized records of Suspicious Activity Reports (SAR), administrative actions with status updates, are managed by FinCEN, Department of the Treasury, pursuant to a contractual agreement, and are stored at the IRS Computing Center in Detroit, Michigan. Authorized personnel at the Federal financial regulatory agencies have on-line access to the computerized database managed by FinCEN through individual work stations that are linked to the database central computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, employees, shareholders, agents, and persons participating in the conduct of the affairs of entities regulated by the OCC who have been involved in suspected criminal activity or suspicious financial transactions and referred to law enforcement officials; and/or who have been involved in irregularities, violations of law, unsafe or unsound practices and/or breaches of fiduciary duty and have been the subject of an administrative action taken by the OCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

SAR filed by national banks and/or by national bank examiners or attorneys for the OCC. The SAR contains information identifying the financial institution

involved, the suspected person, the type of suspicious activity involved, the amount of loss known, and any witnesses. Also, administrative actions taken by the OCC against directors, officers, employees, shareholders, agents, and persons participating in the conduct of the affairs of entities regulated by the OCC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 481, 1817(j), 1818 and 1820; 15 U.S.C. 78c(a)(34), 78l(i), 78u, 78o–4.

PURPOSE(S):

The overall system serves as a central OCC repository for investigatory or enforcement information related to the responsibility of the OCC to examine and supervise entities regulated by the OCC.

The system maintained by FinCEN serves as the database for the cooperative storage, retrieval, analysis, and use of information relating to Suspicious Activity Reports made to or by the Federal financial regulatory agencies and FinCEN to various law enforcement agencies for possible criminal, civil, or administrative proceedings based on known or suspected violations affecting or involving persons, financial institutions, or other entities under the supervision or jurisdiction of such Federal financial regulatory agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used to: (1) Provide the Department of Justice with periodic reports that indicate the number, amount, individual identity, and other details concerning outstanding potential criminal violations of the law that have been referred to the Department; (2) Provide the Federal financial regulatory agencies and FinCEN with information relevant to their operations; (3) Disclose information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (4) Provide information or records to any appropriate domestic or foreign governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, policy, or license; (5) Disclose, when considered appropriate, information to a bar association, or other trade or professional organization performing similar functions, for possible disciplinary action; (6) Disclose information, when appropriate, to international and foreign governmental authorities in accordance with law and formal or informal international agreements; (7) Disclose the existence, but not necessarily the content, of information or records in cases where the OCC is a party or has direct interest and where the OCC, in its sole discretion, has concluded that such disclosure is necessary; (8) Disclose information to any person with whom the OCC contracts to reproduce, by typing, photocopying or other means, any record within this system for use by the OCC and its staff in connection with their official duties or to any person who is utilized by the OCC to perform clerical or stenographic functions relating to the official business of the OCC.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic media and in paper and card files.

RETRIEVABILITY:

Computer output, file folders, and card files are retrievable by indexes of data fields, including name of financial institution and individuals' names.

SAFEGUARDS:

Paper and card files are stored in lockable metal file cabinets. Computer disks maintained at the OCC are accessed only by authorized personnel. The database maintained by FinCEN complies with applicable security requirements of the Department of the Treasury. On-line access to the information in the database is limited to authorized individuals who have been specified by each Federal financial regulatory agency and FinCEN, and each such individual has been issued a non—transferable identifier or password.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Enforcement and Compliance Division, and Director, Securities and Corporate Practices Division, Law Department, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

NOTIFICATION PROCEDURE:

Certain records in this system are exempt from notification and record—access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a(j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes. Requests relating to records not subject to the exemption should be sent to: Director, Public Affairs, 250 E Street, SW, Washington, DC 20219.

RECORD ACCESS PROCEDURE:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURE:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Suspicious activity reports and related historical information and updating forms compiled by the OCC and the other Federal financial regulatory agencies for law enforcement purposes. The OCC will also include information from its Enforcement and Compliance Information System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Components of this system have been designated as exempt from 5 U.S.C. 552(a)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

[FR Doc. 95–30434 Filed 12–13–95; 8:45 am]

BILLING CODE 4810–33–F

Office of Thrift Supervision

Privacy Act of 1974; As Amended; System of Records

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Amendment to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974 (Privacy Act), Office of Thrift Supervision (OTS) is publishing an amendment to an existing system of records. This amendment reflects an ongoing review of an existing system of records pursuant to Appendix I to OMB Circular No. A–130—Revised, which has resulted in changes in nearly all elements of the system of records. In addition, the changes reflect a new proposed interagency suspicious activity reporting process, combining the criminal referral and suspicious financial transactions reporting requirements of the Federal financial regulatory agencies and Treasury, and involving the use of a new computerized database maintained by Financial Crimes Enforcement Network (FinCEN) on behalf of the Federal financial regulatory agencies and Treasury.

DATES: Comments must be received by January 16, 1996,. If no comments are received which precipitate changes to the system, the system will become effective on January 23, 1996.

ADDRESSES: Send comments to: Chief, Dissemination Branch, Records Management and Information Policy, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552. These submissions may be hand–delivered to 1700 G Street, NW, from 9 am to 5 pm on business days; they may be sent by facsimile transmission to FAX number (202) 906–7755. Comments will be available for inspection at 1700 G Street, NW, from 1 pm until 4 pm on business days.

FOR FURTHER INFORMATION CONTACT: Randy Thomas, Special Counsel, General Law Division, (202) 906–7945.

SUPPLEMENTARY INFORMATION: OTS is amending its existing system of records entitled Confidential Individual Information System, Treasury/OTS .001, last published in the Federal Register at 60 FR 13770, (March 14, 1995) for which it has promulgated exemption rules pursuant to exemptions (j)(2) and (k)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2) and (k)(2).

Certain of the changes to the system reflect a proposed agreement between FinCEN, the Federal Reserve Board (FRB), the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), the OTS, and the National Credit Union Administration (NCUA) (the Federal financial regulatory agencies) to store Suspicious Activity Reports (SAR) in electronic form in a database maintained by FinCEN and located at the Internal Revenue Service (IRS) Computing Center in Detroit, Michigan. It is proposed that the IRS Computing Center, as a contractor to FinCEN and the Federal financial regulatory agencies, will operate and administer the computer system that supports the SAR database. Except for a limited number of authorized personnel from the Criminal Investigation Division, employees of the IRS will not have access to the SAR database.

The SAR is being adopted by all Federal financial regulatory agencies as a replacement for the Criminal Referral Form, which has been used by depository institutions to report suspected criminal activity to the Federal financial regulatory agencies and the Federal law enforcement authorities (see FRB and OCC proposed rules at 60 FR 34481 and 60 FR 34476, respectively, July 3, 1995, and OTS proposed rules at 60 FR 36366, July 17, 1995), and by Treasury to implement suspicious financial transaction reporting rules (see Treasury proposed rulemaking at 60 FR 46556, September 7, 1995).

Information from the Criminal Referral Form is included in the existing Information System, and similar information will continue to be collected by the SAR. In addition to reports of suspected criminal activity, the SAR will also allow a financial institution to report suspicious financial transactions under Federal money laundering statutes, pursuant to Treasury regulations (31 CFR part 103). This information, which may include financial transactions by individuals, will be included in the existing Information System. Only the information collected by the SAR, and its status updates, will be located in the database maintained by FinCEN; all other information in the Information System is located at the OTS.

Pursuant to the inter–agency agreement between FinCEN and the Federal financial regulatory agencies, FinCEN will manage a computerized database containing the SAR, and status updates, which is information currently collected and/or maintained separately by each of the Federal financial regulatory agencies. With regard to this database, only those records generated under the jurisdiction of the OTS are considered to be OTS records for purposes of the Privacy Act. Access to and use of these OTS records by other agencies continue to be governed by the routine uses in the OTS's Information System.

Accordingly, the ''Routine Uses'' element is amended to reflect the sharing among Federal financial regulatory agencies and law enforcement agencies of the information collected by the SAR and the status updates. Other changes consist of the following: Three of the system's former routine uses (numbers 1, 3, and 6) are being retained and renumbered as new routine uses 1, 3, and 7. One former routine use (number 4) is being deleted. Two former routine uses (numbers 2 and 5) have been revised and renumbered, respectively, as new routine uses 4 and 5. New routine use number 4 clarifies that system records may be used to make referrals to any appropriate governmental or self-regulatory entity with authority to administer law, rule, policy, or license. New routine use number 5 clarifies that system records may be referred to bar, trade, or professional organizations for possible disciplinary action.

Additionally, the ''Safeguards'' element is amended to add that on-line access to the computerized database maintained by FinCEN is limited to authorized individuals who have been specified by each participating agency and Treasury, and who have been issued a non-transferable identifier or password. Other amendments reflect organizational changes and are not significant. The exemptions for this system of records continue to be (j)(2) and (k)(2), because the information consists of investigatory material compiled for law enforcement purposes.

The altered system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix 1 to OMB Circular A–130, Federal Agency Responsibilities for Maintaining Records About Individuals, dated July 15, 1994.

The proposed altered system of records, Treasury/OTS .001, Confidential Individual Information System, is published in its entirety below.

DATED: December 5, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

Treasury/OTS .001

SYSTEM NAME:

Confidential Individual Information System - Treasury/OTS.

SYSTEM LOCATION:

Enforcement Division, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552. Computerized records of Suspicious Activity Reports (SAR), with status updates, are managed by FinCEN pursuant to a contractual agreement, and are stored the Internal Revenue Service's Computing Center in Detroit, Michigan. Authorized personal at the Federal financial regulatory agencies have on–line access to the computerized database managed by FinCEN through individual work stations that are linked to the database central computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, employees, agents, borrowers, and persons participating in the conduct of the affairs of entities regulated by the OTS who have been involved in suspected criminal activity or suspicious financial transactions and referred to law enforcement officials; and other individuals who have been involved in irregularities, violations of law, or unsafe or unsound practices

referenced in documents received by OTS in the exercising of its supervisory functions.

These records also contain information concerning individuals who have filed notices of intention to acquire control of a savings association; controlling persons of companies that have applications to acquire control of a savings association; and organizers of savings associations who have sought Federal Savings and Loan Insurance Corporation (FSLIC) or Saving Association Insurance Fund (SAIF) insurance of accounts or federal charters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application information and inter-agency and intra-agency correspondence, memoranda and reports. The SAR contains information identifying the financial institution involved, the suspected person, the type of suspicious activity involved, the amount of loss known, and any witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1464; 44 U.S.C. 3101.

PURPOSE(S):

The overall system serves as a central OTS repository for investigatory or enforcement information related to the responsibility of OTS to examine and supervise savings associations. It also serves to store information on applicants to acquire, control, or insure a savings association in connection with OTS's regulatory responsibilities.

The system maintained by FinCEN serves as the database for the cooperative storage, retrieval, analysis, and use of information relating to Suspicious Activity Reports made to or by the Federal financial regulatory agencies and FinCEN to various law enforcement agencies for possible criminal, civil or administrative proceedings based on known or suspected violations affecting or involving persons, financial institutions, or other entities under the supervision or jurisdiction of such Federal financial regulatory agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used to: (1) Provide the Department of Justice with periodic reports on the number, amount, individual identity and other details concerning outstanding potential criminal violations of the law that have been referred to the Department; (2) Provide the Federal financial regulatory agencies and FinCEN with information relevant to their operations; (3) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (4) Provide information or records to any appropriate governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, policy, or license; (5) Disclose, when considered appropriate, information to a bar association, or other professional organizations performing similar functions, for possible disciplinary action; (6) Disclose information when appropriate to international and foreign governmental authorities in accordance with law and formal or informal international agreements; and (7) Provide information to any person with whom the OTS contracts to reproduce, by typing, photocopying or other means, any record within this system for use by the OTS and its staff in connection with their official duties or to any person who is utilized by the OTS to perform clerical or stenographic functions relating to the official business of the OTS.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic media and in paper files.

RETRIEVABILITY:

Computer output and file folders are retrievable by indexes of data fields, including name of financial institution and individual's name.

SAFEGUARDS:

Paper files are stored in lockable metal file cabinets with access limited to authorized individuals. Computer disks maintained at OTS are accessed only by authorized personnel.The database maintained by FinCEN complies with applicable security requirements of the Department of the Treasury. On–line access to the information in the database is limited to authorized individuals, and each individual has been issued a non-transferable identifier or password.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief Counsel for Enforcement, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

The system is exempt from notification and record-access requirements and requirements that an individual be permitted to contest its contents under 5 U.S.C. 552a(j)(2) and (k)(2) as relating to investigatory material compiled for law enforcement purposes.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Suspicious activity reports and related historical information and updating forms compiled by financial institutions, the OTS, and other Federal financial regulatory agencies for law enforcement purposes. The OTS will also include information from applicants, inter agency and intra-agency correspondence, memoranda, and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

[FR Doc. 95–30435 Filed 12–13–95; 8:45 am]

BILLING CODE 6720–01–F

UNITED STATES INFORMATION AGENCY

Study of the United States Summer Institute; Focus on U.S. Society

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Branch for the Study of the U.S. of the Office of Academic Programs of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program for the Study of the United States Summer Institute: Focus on U.S. Society. Public and private non-profit organizations meeting the provisions described in IRS regulation 26CFR 1.501(c)(3)–1 may apply to develop a six-week graduate-level program designed for a group of 18 foreign university educators from around the world, in order to deepen their understanding of U.S. society, culture, and values by examining key social institutions in the United States,

and to give participants further grounding in American studies, so that textbooks, curricular materials, and course sin foreign universities will benefit.

USIA is seeking detailed proposals form colleges, universities, consortia of college sand universities, and other not-for-profit academic organizations that have an established reputation in American studies and related sub-disciplines, and that can demonstrate expertise in conducting graduate-level programs for foreign educators. *Applciant institutions must have a minimum of four years of experience in conducting international exchange programs.* The project director or one of the key program staff responsible for the academic program must have an advanced degree in American studies or a related discipline. Staff escorts traveling under the USIA cooperative agreement support must be U.S. citizens with demonstrated qualifications for this service.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries* * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations* * * *and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT NAME AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number E/AAS–96–08.

DEADLINE FOR PROPOSALS: All copies must be received the U.S. Information Agency by 5:00 p.m. Washington D.C. time on Friday, February 9, 1996. Faxed documents will not be accepted, nor will documents postmarked February 9, 1996 but received at a later date. It is the responsibility of each applicant to ensure that proposal submissions arrive by the deadline. Tentative program dates are June 29 to August 9, 1996. Participants will arrive in the U.S. on or about June 28, and depart on August 10, 1996.

FOR FURTHER INFORMATION CONTACT: To request a Solicitation Package, which includes more detailed award criteria; all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget, applicants should contact: U.S. Information Agency, Office of Academic Programs, Branch of the Study of the United States, E/AAS, Room 256, 301 4th Street., S.W., Washington, D.C. 20547, Attn: Program Officer Ilaya Rome; telephone number (202) 619–4557; fax number (202) 619–6790; internet address irome@usia.gov. Please specify USIA Program Officer Illaya Rome on all inquiries and correspondence. Interested applicants should read the complete Federal Register announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFP deadline has passed, USIA staff may not discuss this competition in any way with applicants until after the Bureau proposal review process has been completed.

TO DOWNLOAD A SOLICITATION PACKAGE VIA INTERNET: The Solicitation Package may be downloaded from USIA's website at http://www.usia.gov, or from the Internet Gopher at gopher.usia.gov, under ''New RFPs on Educational and Cultural Exchanges.''

SUBMISSIONS: Applicants must follow all instructions given in the RFP and the complete Solicitation Package. The original and 13 copies of the complete application should be sent to: U.S. Information Agency, Ref.: E/AAS–96–08, Office of Grants Management, E/XE, Room 326, 301 4th Street, S.w., Washington, D.C. 20547.

DIVERSITY GUIDELINES: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character, and should be balanced and representative of the diversity and broad range of responsible views present in American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal.

SUPPLEMENTARY INFORMATION: *Overview:* The Study of the U.S. Summer Institute: Focus on U.S. Society is intended to provide foreign university teachers of social studies and/or American studies with opportunities to deepen their understanding of the U.S., especially its society, culture, and values, past and present, through an in-depth examination of key social institutions. It is intended to encourage and support participants' efforts to improve the quality of teaching and curricular materials about the United States at universities abroad.

The program should be six weeks in length, including a residency segment at a U.S. college or university campus (a minimum of four weeks in length), and a study tour segment (a maximum of two weeks in length, including visits to at least one but no more than two other regions of the U.S.). The program should offer participants a specially-designed series of lectures, presentations, discussions, and site visits, each related to the central program theme.

Institute Objectives

—To conduct an intensive, academically rigorous program that presents an in-depth view of the evolution and current role of key U.S. social institutions;
—To offer a multi-dimensional view of contemporary U.S. society that will enable participants to better understand the nature of American social structure, social change, and cultural values; and
—To enhance teaching about the United States in foreign universities by making appropriate scholarly resources, pedagogical materials, and ideas available to participants.

Participants should return home with an ability to communicate a better informed and more thoughtful picture of the U.S. to students and colleagues, thus contributing to broad-based foundation that supports future study, research, and teaching about the United States.

Participants: The program should be designed for a total of 18 highly-motivated foreign university educators, including teachers, administrators, department chairs, curriculum developers and textbook writers, who have expressed interest in enhancing the understanding of the U.S. in their home countries and institutions. Participants will be experienced in fields of social sciences and in the teaching of courses where there is significant U.S. content involved. Participants will be drawn from all regions of the world and will be fluent in the English language.

Participants will be nominated by U.S. Information Service posts abroad, and selected by the staff of USIA's

Branch of the Study of the United States in Washington, D.C. USIA will cover all international travel costs directly.

Guidelines

The conception and structure of the program is entirely the responsibility of the organizers. However, as the possibilities are enormously broad for the design of a program focusing on aspects of institutions in U.S. society, an overarching theme for the Institute should be chosen to focus the content and scope of the program. The best proposals will clearly articulate the overall Institute theme, essential topics and sub-topics to be covered, and the means (activities, schedule) by which the program content will be communicated to participants. Proposals should also provide bibliographies of texts and materials to be used in the program.

Contents

At the outset, the program should review the recent history and current status of the field of social science as an academic discipline, surveying major schools of interpretation and examining any current debates pertinent to the overall theme. The program should also explore how social sciences have informed and been informed by the interdisciplinary and multi-disciplinary approaches to the study of the U.S. represented by the field of American Studies. The program itself should include a balanced mix of traditional and contemporary approaches for examining the Institute theme.

The program should ideally bring in outside presenters (representatives from academia, community and volunteer organizations, media, government) in addition to the core faculty of the host institution. Presenters must be fully briefed about the Institute, its goals, general themes and content, readings, and especially the background and needs of the participants themselves. Information about presenters and how they will be utilized should be included in the proposal narrative.

The program may also be enrich by the occasional engagement of other disciplines and sub-disciplines that make up American studies (e.g. history, political science, economics, geography, sociology, demography, etc.). The program should provide participants with a clearer understanding of the diversity, complexity, and unity of U.S. life and society.

Design

A residential program of a minimum of four weeks on a college/university campus is mandatory. The program should also include or integrated study tour segment of up to two weeks (it must be directly supportive of the academic program content) to one or two other regions of the country. If a visit to Washington, D.C. makes programmatic sense, applicants are encouraged to arrange such a visit which should include a half-day session at the United States Information Agency. The selected grantee organization will be asked to consult closely with USIA in the planning of the Washington itinerary. Day trips to various locations (historical sites, classrooms, community centers) are also encouraged if such trips will further enhance understanding of the U.S. and enrich the participants' experience.

The equivalent of one day a week should be available to participants to pursue individual research interests, curriculum development projects, or to do assigned readings. Participants should be paired with faculty mentors to guide them in their research, and assist them in adjustment to the U.S. academic environment.

It is extremely important that the Institute organizers devise a way to integrate all aspects of the program. Assigned readings, lectures, discussions, and field trips should relate to and further illuminate the central Institute theme, and contribute to a better understanding of the U.S. The Institute should not simply replicate an existing lecture course or a graduate seminar. Rather, through a combination of lectures, presentations, discussions, and site visits, it should be designed to facilitate the development of a collegial atmosphere in which faculty and participants discuss relevant texts, issues, and concepts.

Details of the academic and tour programs may be modified in consultation with USIA's Branch for the Study of the U.S. following the grant award.

Resources

The program should provide access to leading American scholars and scholarly resources (libraries, archives, databases, computer labs, etc.). An essential element of the program is the exposure to and accumulation of teaching ideas and scholarly resources, including primary texts, supplementary works, and curricular materials (including Internet resources and training). The Summer Institute should facilitate participants' acquisition of the maximum amount of such materials to take back to their home countries, to be used in the development of new courses and programs, and the improvement of existing ones.

Additional Responsibilities

The selected grant organization will be responsible for most arrangements associated with this program. This includes the organization and implementation of all presentations and program activities, arrangement of all domestic travel, lodging, subsistence, airport reception and ground transportation for participants, orientation and briefing of participants, preparation of any necessary support materials (including a pre-program and post-program mailings to participants), and working with program presenters to achieve maximum program coordination and effectiveness. Please refer to the Solicitation Package for further details on program design and implementation.

Additional Information: Confirmation letters from U.S. co-sponsors noting their intention to participate in the program will enhance a proposal. Proposals incorporating participant/observer site visits will be more competitive if letters committing prospective host institutions to support these efforts are provided.

Visa/Insurance/Tax Requirements: Programs must comply with J–1 visa regulations. Visas will be issued by USIS posts abroad. USIA insurance will be provided to all participants, unless otherwise indicated in the proposal submission. Grantee organization will be responsible for enrolling participants in the chosen insurance plan. Please indicate in the proposal if host institutions have any special tax withholding requirements on participant or staff escort stipends or allowances.

Proposed Budget: Total USIA-funded budget award may not exceed $157,000. USIA-funded administrative costs should be as low as possible and should not exceed $47,000. The U.S. recipient should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector (foundation and corporate) support. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as break-down reflecting both the administrative budget and the program budget. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding. Please refer to the ''POGI'' in the Solicitation Package for complete budget guidelines and formatting instructions for the Institute program.

REVIEW PROCESS: USIA will acknowledge receipt of all proposals

and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency contracts office, as well as the USIA geographic Area Offices and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

REVIEW CRITERIA: Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered, and all carry equal weight in the proposal evaluation:

1. Overall Quality: Proposals should exhibit originality and substance, consonant with the highest standards of American teaching and scholarship. Program design should reflect the main currents as well as the contemporary debates within the discipline.

2. Program Planning: Proposals should demonstrate careful planning. The organization and structure of the Institute should be clearly delineated and be fully responsive to all program objectives. The tour component should be an integral and substantive part of the program, reinforcing and complementing its academic segment.

3. Institutional Capacity: Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and media resources should be accessible to participants; housing, transportation and other logistical arrangements should be fully adequate to the needs of participants and should be conducive to a collegial atmosphere.

4. Diversity: Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity throughout the program. This can be accomplished through documentation, such as a written statement, summarizing past and/or on-going activities and efforts that further the principle of diversity within the organization and its activities. Program activities that address this issue should be highlighted.

5. Experience: The proposal should demonstrate an institutional record of successful exchange program activity, indicating the experience that the organization and its professional staff have had in working with foreign educators.

6. Evaluation and Follow-up: The proposal should include a plan for evaluating activities during the Institute and at its conclusion. Proposals should comment on provisions made for follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. Administration and Management: The proposals should indicate evidence of continuous on-site administrative and managerial capacity as well as the means by which program activities will be implemented.

8. Cost Effectiveness: The proposal should maximize cost-sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible.

NOTICE: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and availability of funding. Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

NOTIFICATION: All applications will be notified of the results of the review process on or about April 1, 1996. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: December 5, 1995.

Dell Pendergrast,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 95–30025 Filed 12–13–95; 8:45 am]

BILLING CODE 8230–01–M

Summer Institute for the Study of the U.S.: The Making of U.S. Foreign Policy

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Branch for the Study of the United States of the Office of Academic Programs of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)–1 may apply to develop a six week graduate level program designed for a group of 18 foreign university educators from around the world on the subject of the making of U.S. foreign policy. The purpose of the institute is to deepen the participants' understanding of the U.S. foreign policy process in order to improve the teaching of international relations in their respective universities.

USIA is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not for profit academic organizations that have an established reputation in fields directly related to the study of U.S. foreign policy and can demonstrate expertise in conducting graduate level programs for foreign educators. *Applicant institutions must have a minimum of four years' experience in conducting international exchange programs.*

The project director or one of the key program staff responsible for the academic program must have an advanced degree in the field related to the topic of the institute. Staff escorts traveling under the USIA cooperative agreement must be U.S. citizens with demonstrated qualifications for this service.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided through the legislation.

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT TITLE AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number E/AAS–96–07.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on February 9, 1996. Faxed documents will not be accepted, nor will documents postmarked February 9, 1996 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. Approximate institute program dates should be June 29–August 9, 1996. Participants will likely be scheduled to arrive in the U.S. on or about June 28, and depart on or about August 10, 1996. In order to assure adequate time for the host institution to make program arrangements and send pre-program materials to grantees, USIA will make every effort to award the approved cooperative agreement by April 1, 1996.

FOR FURTHER INFORMATION: To request a Solicitation Package, which includes more detailed award criteria, all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget, applicants should contact The Branch for the Study of the United States, E/AAS, room 252, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547, Attention, Program Officer Gretchen Christison. Tel: (202) 619–4557; FAX: (202) 619–6790; internet address: gchristi@usia.gov.

Please specify USIA Program Officer Ms. Gretchen Christison on all inquiries and correspondences. Interested applicants should read the complete Federal Register announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Agency staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

TO DOWNLOAD A SOLICITATION PACKAGE VIA INTERNET: The Solicitation Package may be downloaded from USIA's website at http://www.usia.gov, or from the Internet Gopher at gopher.usia.gov, under ''New RFPs on Educational and Cultural Exchanges.''

SUBMISSIONS: Applicants must follow all instructions given in the Solicitation Package. The original and 14 copies of the application should be sent to: U.S. Information Agency, Ref.: E/AAS–96–07, Office of Grants Management, E/XE, room 326, 301 4th Street SW., Washington, DC 20547.

DIVERSITY GUIDELINES: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal.

SUPPLEMENTARY INFORMATION:

Overview

The purpose of the Institute, ''The Making of U.S. Foreign Policy,'' is to deepen understanding among participants of how U.S. foreign policy is made and to provide them with a multi-dimensional view of United States, its society, culture, and institutions, past and present. Accordingly, the successful proposal will focus not only on the Constitutional roles and requirements that govern the foreign policy process, but also on the role that other political, economic, social and cultural forces play in the making of U.S. foreign policy. Ultimately, the purpose of the Institute is to improve the teaching of courses abroad that address the subject of U.S. foreign policy. The Institute is a six-week program, involving a minimum of four weeks at a college or university campus in the U.S., followed by up to two weeks of travel to at least one other region of the U.S. with activities designed to directly complement and substantively enrich the academic segment of the institute.

Objectives

(1) To conduct an intensive, academically stimulating program that presents an in-depth view of the complex process by which U.S. foreign policy is conceived, formulated and carried out;

(2) to offer a multi-dimensional view of that process that will enable participants to increase their understanding of the ways in which domestic political, economic, social and cultural factors contribute, directly and indirectly, to that process;

(3) to enhance teaching about the United States in foreign universities by making appropriate scholarly resources, pedagogical materials, and ideas available to participants.

Participants

The 18 participants will be drawn from all areas of the world, and will be experienced in the teaching of courses in fields of Politics and Government, Comparative Politics and International Relations, and History where there is significant U.S. content involved. All will be fluent in the English language. They will be nominated by U.S. Information Service posts abroad, and selected by the staff of USIA's Branch for the Study of the United States in Washington, D.C. USIA will cover the international travel costs for participants directly.

Guidelines

—The Institute should be specifically designed for experienced foreign university-level teachers. While it is important that the topics and readings of the Institute be clearly organized, the Institute should not simply replicate a lecture course or a graduate seminar. Through a combination of lectures, roundtable discussions, guest presentations, consultations and site visits, the Institute should facilitate the development of a collegial atmosphere in which foreign participants become fully engaged in the exchange of ideas.

—In addition to the core faculty from the host institution, and consistent with the program's design, the Institute should bring in presenters from outside academic life. Such individuals might come from foreign policy institutes, think tanks, lobbying organizations, embassies, consulates, development organizations, media, and government, as appropriate. Presenters should be fully briefed about the Institute, its goals, general themes, readings, and especially the background and needs of the participants themselves. Information about presenters and how they will be utilized should be included in the proposal submission.

—While the overall design and structure of the Institute is entirely the responsibility of the organizers, the Institute should begin by reviewing the recent history and current status of U.S. Foreign Policy studies as an academic discipline, surveying the major schools of interpretation and approaches, and examining the recent trends and current debates within the field and within the area of international relations generally. This part of the program should also explore how the study of U.S. foreign policy has informed and been informed by other scholarly disciplines, e.g., economics, anthropology, history, and address how the study of U.S. foreign policy

can be used to gain a greater understanding of the development and character of American civilization, past and present. The latest developments in curriculum design, teaching methods, and resources available in the fields of international relations should also be addressed.

—The best proposals will express a high level of thematic articulation in addition to demonstrating clearly the means by which these themes will be concretely communicated to participants for discussion and reflection. It is especially important for the institute organizer to devise ways to integrate all aspect of the program, from the assigned readings, lectures, and discussions, to any site visits and fields trips.

—The equivalent of one day a week should be available to participants to pursue individual research and reading. The Institute should provide access to leading American scholars and research resources (libraries, archives, databases); provision should be made to pair participants with faculty mentors. A key element of the Institute is to expose participants to the full range of scholarly materials, primary and secondary literature, curricular materials and teaching resources, including Internet and computer training, that will allow them to continue their use of such materials in their home countries.

—A residential program of a minimum of four weeks on a college or university campus is mandatory. The program should include an integrated study tour segment of up to two weeks in length to at least one other region of the country outside the area of the host institution. In the event that Washington, D.C. is included in the proposed study tour segment, a half-day session at the U.S. Information Agency should be scheduled. In any case, the study tour segment must be directly supportive of the academic program content. Day trips to various locations are also encouraged if such trips will further enhance understanding of the U.S. and the participants' experience.

—Details of programs may be modified in consultation with USIA's Branch for the Study of the U.S. following the grant award.

—The selected grant organization will be responsible for most arrangements associated with this program. This includes the organization and implementation of all presentations and program activities, arrangements for all domestic travel, lodging, subsistence, and group transportation for participants, orientation and briefing of participants, preparation of any necessary support materials including a pre-program mailing and working with program presenters to achieve maximum program coordination and effectiveness.

Please refer to the Solicitation Package for further details on program design and implementation.

Additional Information: Confirmation letters from U.S. co-sponsors noting their intention to participate in the program will enhance a proposal. Proposals incorporating participant/observer site visits will be more competitive if letters committing prospective host institutions to support these efforts are provided.

Visa/Insurance/Tax Requirements: Programs must comply with J–1 visa regulations. Visas will be issued by USIS posts abroad. USIA insurance will be provided to all participants, unless otherwise indicated in the proposal submission. The grantee organization will be responsible for enrolling participants in the chosen insurance plan. Please indicate in the proposal if host institutions have any special tax withholding requirements on participant or staff escort stipends or allowances.

Proposed Budget: Total USIA-funded budget award may not exceed $157,000. USIA-funded administrative costs should be as low as possible and should not exceed $47,000. The U.S. recipient should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector (foundation and corporate) support. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a break-down reflecting both the administrative budget and the program budget. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions for the institute program.

REVIEW PROCESS: The USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency contracts office, as well as the USIA Area Offices and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

REVIEW CRITERIA: Technically eligible applications will be competitively reviewed according to the following criteria:

1. Overall Quality: Proposals should exhibit originality and substance, consonant with the highest standards of American teaching and scholarship. Program design should reflect the main currents as well as the contemporary debates within the discipline.

2. Program Planning: Proposals should demonstrate careful planning. The organization and structure of the Institute should be clearly delineated and be fully responsive to all program objectives. The travel component should be an integral and substantive part of the program, reinforcing and complementing its academic segment.

3. Institutional Capacity: Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and media resources should be accessible to participants; housing, transportation and other logistical arrangements should be conducive to a collegial atmosphere.

4. Diversity: Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity throughout the program. This can be accomplished through documentation, such as a written statement, summarizing past and/or on-going activities and efforts that further the principle of diversity within the organization and its activities.

5. Experience: The proposal should demonstrate an institutional record of successful exchange program activity, indicating the experience that the organization's professional staff have had in working with foreign educators.

6. Evaluation and Follow-up: The proposal should include a plan for evaluating activities during the Institute and at its conclusion. Proposals should comment on provisions made for follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. Administration and Management: The proposals should indicate evidence

of continuous on-site administrative and managerial capacity, as well as the means by which program activities will be implemented.

8. Cost Effectiveness: The proposals should maximize cost-sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible.

NOTICE: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funding. Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

NOTIFICATION: All applicants will be notified of the results of the review process on or about April 1, 1996. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: December 5, 1995.

Dell Pendergrast,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 95–30026 Filed 12–13–95; 8:45 am]

BILLING CODE 8230–01–M

Summer Institute on the U.S. Political System: Focus on Federalism

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Branch for the Study of the U.S. of the Office of Academic Programs of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program for the Summer Institute on the U.S. Political System: Focus on Federalism. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)–1 may apply to develop a six-week graduate-level program designed for a group of 18 foreign university educators from around the world on the subject of the U.S. political system, with a focus on federalism. The purpose of the Institute is to deepen the participants' understanding of the foundations, development, and current functioning of the U.S. political system by concentrating particularly on the topic of federalism; the ultimate goal of the institute is to improve the teaching of political science and American government at the participants' home institutions.

USIA is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not-for-profit academic organizations that have an established reputation in political science and related subdisciplines, and that can demonstrate expertise in conducting graduate-level programs for foreign educators. *Applicant institutions must have a minimum of four years' experience in conducting international exchange programs. The project director or one of the key program staff responsible for the academic program must have an advanced degree in political science or a related discipline. Staff escorts traveling under the USIA cooperative agreement support must be U.S. citizens with demonstrated qualifications for this service.*

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable to Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations. * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT NAME AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number E/AAS–96–05.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5:00 p.m. Washington D.C. time on Friday, February 9, 1996. Faxed documents will not be accepted, nor will documents postmarked February 9, 1996 but received at a later date. It is the responsibility of each applicant to ensure that proposal submissions arrive by the deadline. Tentative program dates are June 29 to August 9, 1996. Participants will likely be booked to arrive in the U.S. on or about June 28, and depart on August 10, 1996.

FOR FURTHER INFORMATION CONTACT: To request a Solicitation Package, which includes more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget, applicants should contact: U.S. Information Agency, Office of Academic Programs, Branch of the Study of the United States, E/AAS, Room 256, 301 4th Street, S.W., Washington, D.C. 20547, Attn: Program Officer Susan Zapotoczny; telephone number (202) 619–4557; fax number (202) 619–6790; internet address szapotoc@usia.gov. Please specify USIA Program Officer Susan Zapotoczny on all inquiries and correspondence. Interested applicants should read the complete Federal Register announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFP deadline has passed, USIA staff may not discuss this competition in any way with applicants until after the Bureau proposal review process has been completed.

TO DOWNLOAD A SOLICITATION PACKAGE VIA INTERNET: The Solicitation Package may be downloaded from USIA's website at http://www.usia.gov or from the internet Gopher at gopher.usia.gov, under ''New RFPs on Educational and Cultural Exchanges.''

SUBMISSIONS: Applicants must follow all instructions given in the RFP and the complete Solicitation Package. The original and 14 copies of the complete application should be sent to: U.S. Information Agency, Ref.: E/AAS–96–05, Office of Grants Management, E/XE, Room 326, 301 4th Street, S.W., Washington, D.C. 20547.

Applicants are also requested to submit the ''Executive Summary'' and ''Proposal Narrative'' sections of each proposal on a 3.5'' diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. If a proposal is selected for funding, USIA will transmit these files electronically to USIS posts overseas to assist in the program participant identification process.

DIVERSITY GUIDELINES: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character, and should be balanced and representative of the diversity and broad range of responsible views present in American political, social, and cultural

life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal.

SUPPLEMENTARY INFORMATION: *Overview:* The ''Summer Institute on the U.S. Political System: Focus on Federalism'' is intended to deepen foreign participants' understanding of the theory and practice of federalism as a central feature of the U.S. political system. Ultimately, the purpose of the Institute is to improve the quality of teaching and curricular materials about the United States at foreign universities.

The program should be six weeks in length, including a residency segment at a U.S. college or university campus (a minimum of four weeks in length), and a study tour segment (a maximum of two weeks in length, including a visit to Washington, D.C. for a program debriefing at USIA).

The program should offer participants a specially-designed series of lectures, presentations, discussions, and site visits, each related to the U.S. political system and/or the topic of federalism.

Objectives

(1) to conduct an intensive, academically stimulating program that presents an in-depth view of the history, development and current status of federalism as a central feature of the American political system.

(2) to offer a multi-dimensional view of federalism that will enable participants to better understand the larger complexities of the American political system as well as other institutions of American society.

(3) to increase participants' understanding of American civilization, past and present, through an integrated series of lectures, readings, interactive discussions, research and independent study opportunities, and site visits.

(4) to enhance teaching about the United States in foreign universities by making appropriate scholarly resources, pedagogical materials, and ideas available to participants.

Participants: The 18 participants will be drawn from all areas of the world and will be experienced in the teaching of courses in the fields of government and politics; they may include university lecturers and scholars, administrators, department chairs, curriculum developers and textbook writers who are currently teaching about the American political system or who plan to do so.

All participants will be fluent in the English language. They will be nominated by U.S. Information Service posts abroad, and selected by the staff of USIA's Branch for the Study of the United States in Washington, D.C. USIA will cover all international travel costs for participants directly.

Guidelines

—The Institute should be specifically designed for experienced foreign university level teachers. While it is important that the topics and readings of the Institute be clearly organized, the Institute should not simply replicate a lecture course or a graduate seminar. Through a combination of lectures, roundtable discussions, guest presentations, consultations and site visits, the Institute should facilitate the development of a collegial atmosphere in which foreign participants become fully engaged in the exchange of ideas.

—In addition to the core faculty from the host institution, and consistent with the program's design, the Institute should bring in presenters from outside academic life. Such individuals might come from non-government organizations, think tanks, lobbying organizations, media, and all levels of federal, state and local government. Presenters should be fully briefed about the Institute, its goals, general themes, readings, and especially the background and needs of the participants themselves. Information about presenters and how they will be utilized should be included in the proposal submission.

—While the overall design and structure of the Institute is entirely the responsibility of the organizers, the Institute should begin by reviewing the recent history and current status of scholarship in the discipline of political science, specifically in the area of federalism, surveying the major schools of interpretation and approaches, and examining the recent trends and current debates within the discipline. This part of the program should also explore how the study of American federalism has both informed and been informed by other scholarly disciplines, e.g., economics and history, and address how the study of federalism can be used to gain a greater understanding of not only the U.S. political system, but more broadly, the history and character of American life and institutions, past and present. The latest developments in curriculum design, teaching methods, and resources available in the fields of political science should also be addressed.

—Because the possibilities for the design of such an institute, given the complex nature of the topic, are so great, the best proposals will express a high level of thematic articulation, clearly identify major themes and sub-themes, and demonstrate clearly the means by which these themes will be concretely communicated to participants for discussion and reflection. In this regard, it is especially important for the institute organizer to devise ways to integrate all aspects of the program, from the assigned readings, lectures, and discussions, to any site visits and field trips.

—The equivalent of one day a week should be available to participants to pursue individual reading and research. In addition, the Institute should provide access to leading American scholars and research resources (libraries, archives, databases). Provision should also be made to pair participants with faculty mentors. A key element of the Institute is to expose participants to the full range of scholarly materials, curricular materials and teaching resources, including internet and computer training. The summer institute should facilitate participants' acquisition of such materials to take back to their home countries to be used in their courses and programs.

—A residential program of a minimum of four weeks on a college or university campus is mandatory. The program should include an integrated study tour segment of up to two weeks in length to at least one other region of the country outside the area of the host institution, plus a trip to Washington, D.C. to conclude the institute. During the visit to Washington, D.C., a half-day session at the U.S. Information Agency should be scheduled. In any case, the study tour segment must directly support and reinforce the academic program content. Day trips to various locations (historical sites, classrooms, community centers) are also encouraged if such trips will further enhance understanding of the U.S. and the participants' experience.

—Details of the program may be modified in consultation with USIA's Branch for the Study of the U.S. following the grant award.

—The selected grant organization will be responsible for most arrangements

associated with this program. This includes the organization and implementation of all presentations and program activities, arrangements for all domestic travel, lodging, orientation and briefing or participants, preparation of any necessary support materials including a pre-program mailing and working with program presenters to achieve maximum program coordination and effectiveness.

Please refer to the Solicitation Package for further details on program design and implementation.

Additional Information: Confirmation letters from U.S. co-sponsors noting their intention to participate in the program will enhance a proposal. Proposals incorporating participant/observer site visits will be more competitive if letters committing prospective host institutions to support these efforts are provided.

Visa/Insurance/Tax Requirements: Programs must comply with J–1 visa regulations. Visas will be issued by USIS posts abroad. USIA insurance will be provided to all participants, unless otherwise indicated in the proposal submission. Grantee organization will be responsible for enrolling participants in the chosen insurance plan. Please indicate in the proposal if host institutions have any special tax withholding requirements on participant or staff escort stipends or allowances.

Proposed Budget: Total USIA-funded budget award may not exceed $157,000. USIA-funded administrative costs should be as low as possible and should not exceed $47,000. The U.S. recipient should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector (foundation and corporate) support. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a break-down reflecting both the administrative budget and the program budget. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate (USIA decisions on funding. Please refer to the ''POGI'' in the Solicitation Package for complete budget guidelines and formatting instructions for the Institute program.

REVIEW PROCESS: The USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency contracts office, as well as the USIA Area Offices and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

REVIEW CRITERIA: Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered, and all carry equal weight in the proposal evaluation:

1. Overall Quality: Proposals should exhibit originality and substance, consonant with the highest standards of American teaching and scholarship. Program design should reflect the main currents as well as the contemporary debates within the discipline.

2. Program Planning: Proposals should demonstrate careful planning. The organization and structure of the Institute should be clearly delineated and be fully responsive to all program objectives. The travel component should be an integral and substantive part of the program, reinforcing and complementing its academic segment.

3. Institutional Capacity: Proposed personnel, including faculty and administrative staff as well as outside presenters, should be fully qualified to achieve the project's goals. Library and media resources should be accessible to participants; housing, transportation and other logistical arrangements should be fully adequate to the needs of participants and should be conductive to a collegial atmosphere.

4. Diversity: Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity throughout the program. This can be accomplished through documentation, such as a written statement, summarizing past and/or ongoing activities and efforts that further the principle of diversity within the organization and its activities. Program activities that address this issue should be highlighted.

5. Experience: The proposal should demonstrate an institutional record of successful exchange program activity, indicating the experience that the organization and its professional staff have had in working with foreign educators.

6. Evaluation and Follow-up: The proposal should include a plan for evaluating activities during the Institute and at its conclusion. Proposals should comment on provisions made for follow-up with returned grantees as a means of establishing longer-term individual and institutional linkages.

7. Administration and Management: The proposals should indicate evidence of continuous on-site administrative and managerial capacity as well as the means by which program activities will be implemented.

8. Cost Effectiveness: The proposals should maximize cost-sharing through direct institutional contributions, in-kind support, and other private sector support. Overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible.

NOTICE: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and availability of funding. Final awards cannot be made until funds have been appropriated by Congress, allocated, and committed through internal USIA procedures.

NOTIFICATION: All applicants will be notified of the results of the review process on or about April 1, 1996. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: December 5, 1995.

Dell Pendegrast,

Deputy Associate Director for Educational and Cultural Affairs.

[FR Doc. 95–30027 Filed 12–13–95; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 60, No. 240
Thursday, December 14, 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).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on December 14, 1995, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. Reports

—Farm Credit System Building Association Quarterly Report

Closed Session *

A. New Business

—Enforcement Actions

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*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (8) and (9).

Dated: December 11, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–30544 Filed 12–12–95; 9:32 am]

BILLING CODE 6705–01–P

FEDERAL MARITIME COMMISSION

TIME AND PLACE: 1:00 p.m., December 19, 1995.

PLACE: Room 2C—Commission Meeting Room, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

STATUS: Open.

MATTER(S) TO BE CONSIDERED:

1. Docket No. 94–06—*Financial Responsibility Requirements for Nonperformance of Transportation;* and Docket No. 94–21—*Inquiry into Alternative Forms of Financial Responsibility for Nonperformance of Transportation*—Consideration of Comments.

2. Docket No. 94–31—*Information Form and Post-Effective Reporting Requirements for Agreements among Ocean Common Carriers Subject to the Shipping Act of 1984*—Consideration of Comments.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary. (202) 523–5725.

Joseph C. Polking,

Secretary,

[FR Doc. 95–30592 Filed 12–12–95; 1:03 pm]

BILLING CODE 6730–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, December 14, 1995.

PLACE: Room 600, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Energy West Mining Co.,* Docket No. WEST 93–169. (Issues include whether the judge correctly determined that the inspector did not abuse his discretion in issuing a failure to abate order.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629/for toll free TDD Relay 1–800–877–8339.

Dated: December 6, 1995.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 95–30543 Filed 12–12–95; 9:32 am]

BILLING CODE 6735–01–M

federal register

Thursday
December 14, 1995

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Part 31

Federal Acquisition Regulation; Impairment of Long-Lived Assets and Rates of Inflation; Interim Rule and Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

[FAC 90–35; FAR Case 95–003]

RIN 9000–AG73

Federal Acquisition Regulation; Impairment of Long-Lived Assets

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule, with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to an interim rule to clarify the allowability of losses recognized when carrying values of impaired assets are written down for financial reporting purposes. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

DATES: *Effective Date:* December 14, 1995.

Comment Due Date: To be considered in the formulation of a final rule, comments should be submitted to the address given below on or before February 12, 1996.

ADDRESSES: Comments should be submitted to: General Services Administration, FAR Secretariat, 18th & F Streets NW., Room 4037, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy F. Olson at (202) 501–3775 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–35, FAR Case 95–003.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule is intended to clarify cost allowability rules concerning the recognition of gains and losses related to long-lived assets. The rule addresses a cost category which is the subject of a Financial Accounting Standards Board Statement of Financial Accounting Standards (SFAS), No. 121, dated March 1995, entitled ''Accounting for the Impairment of Long-Lived Assets and for Long-Lived Assets To Be Disposed Of.''

The SFAS applies to long-lives assets (such as land, buildings, and equipment), identifiable intangibles, and related goodwill, and establishes guidance to recognize and measure impairment losses. If impaired assets are to be held for use, the SFAS requires a write-down to fair value when events or circumstances (e.g., environmental damage, idle facilities arising from declining business, etc.) indicate that carrying values may not be fully recoverable.

Impaired assets that are to be disposed of, however, would be reported (with certain exceptions) at the lower of cost or fair value less cost to sell. Once written down, the previous carrying amount of an impaired asset could not be restored if the impairment was subsequently removed.

In contrast to the SFAS provisions, Cost Accounting Standard (CAS) 9904.409, ''Depreciation of Tangible Capital Assets'', provides quite different criteria and guidance to recognize gains and losses for Government contract purposes. The language at 9904.409–40 (a)(4) and (b)(4), 9904.409–50(j), and related Promulgation Comment 10, ''Gain or Loss,'' makes it clear that gains and losses are recognized only upon asset disposal; no other circumstances trigger such recognition.

FAR 31.205–16 reflects the CAS provisions that an asset be disposed of in order to recognize a gain or loss. The FAR rule applies to both CAS and non-CAS covered contracts. Consequently, for Government contract purposes, an impairment loss is recognized only upon disposal of the impaired asset. Like other losses, it is measured as the difference between the net amount realized and the impaired asset's undepreciated balance. Government contractors, therefore, recover the carrying values of impaired assets held for use by retaining pre-write-down depreciation or amortization schedules as though no impairment had occurred. The rule addresses the treatment of losses for impaired assets by adding a new paragraph (o) at 31.205–11, and revising the title and adding a new paragraph (g) at 31.205.16.

B. Regulatory Flexibility Act

The interim rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because most contracts awarded to small entities are awarded on a competitive fixed-price basis and the cost principles do not apply. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR parts will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90–35, Far case 95–003) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any reporting or record keeping requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that, pursuant to 41 U.S.C. 418b, urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This action is necessary because the Statement of Financial Accounting Standards No. 121, Accounting for the Impairment of Long-Lived Assets and for Long-Lived Assets to be Disposed Of, dated March 1995, requires all publicly owned firms to recognize impairment losses in their financial statements for fiscal years beginning after December 15, 1995. It is likely that Government contractors whose 1996 fiscal year begins after December 15, 1995, will recognize impairment losses for financial reporting and claim a portion of such losses either on current contracts or on those awarded after December 15, 1995. In order to ensure that contractors' impairment losses are not paid by the Federal Government, it is necessary to issue this clarification of existing cost principles expeditiously. However, pursuant to Public Law 98–577 and FAR 1.501, public comments received in response to this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 31

Government procurement.

Dated: December 8, 1995.

Edward C. Loeb,

Acting Director, Office of Federal Acquisition Policy.

Federal Acquisition Circular

Number 90–35

Federal Acquisition Circular (FAC) 90–35 is issued under the authority of the Secretary of Defense, the Administrator of General

Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90–35 is effective December 14, 1995.

Dated: December 1, 1995.

Eleanor R. Spector,

Director, Defense Procurement.

Dated: December 6, 1995.

Ida M. Ustad,

Associate Administrator, for Acquisition Policy.

Dated: December 7, 1995.

Tom Luedtke,

Deputy Associate Administrator for Procurement, NASA.

Therefore, 48 CFR Part 31 is amended as set forth below:

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

1. The authority citation for 48 CFR Part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 31.205–11 is amended at the end of paragraph (e) by adding the parenthetical ''(but see paragraph (o) of this subsection).''; and by adding paragraph (o) to read as follows:

31.205–11 Depreciation.

* * * * *

(o) In the event of a write-down from carrying value to fair value as a result of impairments caused by events or changes in circumstances, depreciation of the impaired assets shall not exceed the amounts established on depreciation schedules in use prior to the write-down (see 31.205–16(g)).

3. Section 31.205–16 is amended by revising the section heading and adding paragraph (g) to read as follows:

31.205–16 Gains and losses on disposition or impairment of depreciable property or other capital assets.

* * * * *

(g) With respect to long-lived tangible and identifiable intangible assets held for use, no loss shall be recognized for a write-down from carrying value to fair value as a result of impairments caused by events or changes in circumstances (e.g., environmental damage, idle facilities arising from a declining business base, etc.). Depreciation or amortization on pre-write-down carrying value of impaired assets not yet disposed of shall continue to be recoverable under established depreciation or amortization schedules to the extent it is not otherwise unallowable under other provisions of the FAR.

[FR Doc. 95–30442 Filed 12–13–95; 8:45 am]

BILLING CODE 6820–EP–M

48 CFR Part 31

[Federal Acquisition Circular 90–35]

Federal Acquisition Regulation; Rates of Inflation

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Annual notice of rates of inflation.

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to publish as an information item, the rates of inflation which are used in conjunction with other factors to determine the allowability of IR&D/B&P costs for major contractors under 31.205–18(c)(2)(i)(C)(*2*) during the first three contractor fiscal years beginning on or after October 1, 1992. The following rates of inflation are effective immediately, and shall remain in effect until superseded by the next publication, which is anticipated in January 1996:

Fiscal year	Annual percentage rate
1994	2.5
1995	2.9
1996	3.0
1997	3.0

The above rates are the Price Escalation Indices for the Research, Development, Test & Evaluation (RDT&E) Account, Total Obligation Authority (TOA), issued by the Principal Deputy Under Secretary of Defense (Comptroller) on January 10, 1995. These rates of inflation supersede those published in FAC 90–23, Item XL—Annual Notice of Rates of Inflation, in the Federal Register on December 28, 1994.

Dated: December 8, 1995.

Edward C. Loeb,

Acting Director, Office of Federal Acquisition Policy.

[FR Doc. 95–30443 Filed 12–13–95; 8:45 am]

BILLING CODE 6820–EP–M

federal register

Thursday
December 14, 1995

Part III

Department of Justice

Bureau of Prisons

List of Bureau of Prisons Institutions; Notice

DEPARTMENT OF JUSTICE

Bureau of Prisons

List of Bureau of Prisons Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

SUMMARY: In this document, the Bureau of Prisons is publishing a consolidated listing of its institutions. The following institutions have been added to the listing: an administrative maximum United States Penitentiary at Florence, Colorado; Federal Correctional Institutions at Beckley, West Virginia; Coleman, Florida (Low Security); Coleman, Florida (Medium Security); and Waseca, Minnesota; and a Federal Detention Center at Miami, Florida. The existing Federal Correctional Institution at Butner, North Carolina has been designated as medium security, and a new low security facility has been added at the same location. The existing United States Penitentiary at Florence, Colorado has been identified as high security in order to distinguish it from the administrative maximum facility at that same location. The former Metropolitan Correctional Center at Miami, Florida has been redesignated as a Federal Correctional Institution. The independent Federal Prison Camp at Millington, Tennessee has been removed from the list of Federal Prison Camps because it is now to be administered as a satellite camp to the Federal Correctional Institution at Memphis, Tennessee.

ADDRESSES: Office of General Counsel, Bureau of Prisons, 320 First Street NW., HOLC Room 754, Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, (202) 514–6655.

SUPPLEMENTARY INFORMATION: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960–81, Reorganization Regulations, published in the Federal Register October 27, 1981 (at 46 FR 52339 et seq.) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), the authority to establish and designate Bureau of Prisons institutions. The last listing of the Bureau's institutions was published in the Federal Register on July 11, 1994 (59 FR 35458).

This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

By virtue of the authority vested in the Attorney General in 18 U.S.C. 3621, 4001, 4003, 4042, 4081, and 4082 (repealed in part October 12, 1984) and delegated to the Director, Bureau of Prisons by 28 CFR 0.96(q), it is hereby ordered as follows:

The following institutions are established and designated as places of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

A. The Bureau of Prisons institutions at the following locations are designated as U.S. Penitentiaries:

(1) Allenwood, Pennsylvania;
(2) Atlanta, Georgia;
(3) Florence, Colorado (ADMAX);
(4) Florence, Colorado (High Security);
(5) Leavenworth, Kansas;
(6) Lewisburg, Pennsylvania;
(7) Lompoc, California;
(8) Marion, Illinois; and
(9) Terre Haute, Indiana.

B. The Bureau of Prisons institutions at the following locations are designated as Federal Correctional Institutions:

(1) Allenwood, Pennsylvania (Low Security);
(2) Allenwood, Pennsylvania (Medium Security);
(3) Ashland, Kentucky;
(4) Bastrop, Texas;
(5) Beckley, West Virginia;
(6) Big Spring, Texas;
(7) Butner, North Carolina (Low Security);
(8) Butner, North Carolina (Medium Security);
(9) Coleman, Florida (Low Security);
(10) Coleman, Florida (Medium Security);
(11) Cumberland, Maryland;
(12) Danbury, Connecticut;
(13) Dublin, California;
(14) El Reno, Oklahoma;
(15) Englewood, Colorado;
(16) Estill, South Carolina;
(17) Fairton, New Jersey;
(18) Florence, Colorado;
(19) Fort Dix, New Jersey;
(20) Greenville, Illinois;
(21) Jesup, Georgia;
(22) La Tuna, Texas;
(23) Lompoc, California;
(24) Loretto, Pennsylvania;
(25) Manchester, Kentucky;
(26) Marianna, Florida;
(27) McKean, Pennsylvania;
(28) Memphis, Tennessee;
(29) Miami, Florida;
(30) Milan, Michigan;
(31) Morgantown, West Virginia;
(32) Oakdale, Louisiana (formerly Oakdale I);
(33) Otisville, New York;
(34) Oxford, Wisconsin;
(35) Pekin, Illinois;
(36) Petersburg, Virginia;
(37) Phoenix, Arizona;
(38) Ray Brook, New York;
(39) Safford, Arizona;
(40) Sandstone, Minnesota;
(41) Schuylkill, Pennsylvania;
(42) Seagoville, Texas;
(43) Sheridan, Oregon;
(44) Talladega, Alabama;
(45) Tallahassee, Florida;
(46) Terminal Island, California;
(47) Texarkana, Texas;
(48) Three Rivers, Texas;
(49) Tucson, Arizona; and
(50) Waseca, Minnesota.

C. The Bureau of Prisons institutions at the following locations are designated as Federal Prison Camps:

(1) Alderson, West Virginia;
(2) Allenwood, Pennsylvania;
(3) Boron, California;
(4) Bryan, Texas;
(5) Duluth, Minnesota;
(6) Eglin, Florida;
(7) El Paso, Texas;
(8) Montgomery, Alabama;
(9) Nellis, Nevada;
(10) Pensacola, Florida;
(11) Seymour-Johnson, North Carolina; and
(12) Yankton, South Dakota.

D. The Bureau of Prisons institutions at the following locations house inmates who are primarily pre-trial detainees and are designated as:

Federal Detention Centers:
(1) Miami, Florida; and
(2) Oakdale, Louisiana (formerly Oakdale II).

Metropolitan Correctional Centers:
(1) Chicago, Illinois;
(2) New York, New York; and
(3) San Diego, California.

Metropolitan Detention Centers:
(1) Brooklyn, New York;
(2) Guaynabo, Puerto Rico; and
(3) Los Angeles, California.

E. The Bureau of Prisons institution at Springfield, Missouri is designated as the U.S. Medical Center for Federal Prisoners.

F. The Bureau of Prisons institutions at the following locations are designated as Federal Medical Centers:

(1) Carswell, Texas;
(2) Fort Worth, Texas;
(3) Lexington, Kentucky; and
(4) Rochester, Minnesota.

G. The Bureau of Prisons institution at Oklahoma City, Oklahoma is designated as the Federal Transportation Center.

Wallace H. Cheney,

Acting Director, Federal Bureau of Prisons.

[FR Doc. 95–30494 Filed 12–13–95; 8:45 am]

BILLING CODE 4410–05–P

federal register

Thursday
December 14, 1995

Part IV

Federal Election Commission

11 CFR Part 100, et al.

Corporate and Labor Organization Activity; Express Advocacy and Coordination With Candidates; Final Rule

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 102, 109, 110, and 114

[Notice 1995–23]

Corporate and Labor Organization Activity; Express Advocacy and Coordination With Candidates

AGENCY: Federal Election Commission.

ACTION: Final rule and transmittal of regulations to Congress.

SUMMARY: The Commission is issuing revised regulations regarding expenditures by corporations and labor organizations. The new rules implement the Supreme Court's opinion in *Federal Election Commission* v. *Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986) (*MCFL*), by substituting an express advocacy standard for the previous partisan/nonpartisan standard with respect to corporate and labor organization expenditures. Consequently, in many respects, the revised rules permit corporations and labor organizations to engage in a broader range of activities than was permitted under the previous rules. New provisions are also being added to provide corporations and labor organizations with guidance regarding endorsements of candidates, activities which facilitate the making of contributions, and candidate appearances at colleges and universities.

DATES: Further action, including the publication of a document in the Federal Register announcing an effective date, will be taken after these regulations have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Rosemary C. Smith, Senior Attorney, 999 E Street NW., Washington, D.C. 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is publishing today the final text of revisions to its regulations at 11 CFR 109.1(b)(4), 110.12, 110.13, 114.1 (a) and (j), 114.2, 114.3, 114.4, 114.12(b) and 114.13. These provisions implement 2 U.S.C. 431(17) and 441b, provisions of the Federal Election Campaign Act of 1971, as amended (the Act or FECA), 2 U.S.C. 431 *et seq.* Also included are conforming amendments to 11 CFR 100.7(b)(21), 100.8 (b)(3) and (b)(23) and 102.4(c)(1). Section 438(d) of Title 2, United States Code, requires that any rule or regulations prescribed by the Commission to carry out the provisions of Title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate 30 legislative days before they are finally promulgated. These regulations were transmitted to Congress on December 8, 1995.

Explanation and Justification

The new and revised rules reflect recent judicial and Commission interpretations of 2 U.S.C. 441b. This section of the FECA prohibits corporations and labor organizations from using general treasury monies to make contributions or expenditures in connection with federal elections. The new and amended rules contain the following changes:

1. The partisan/nopartisan standards in previous 11 CFR part 114 have been replaced by new language at section 114.2, 114.3, and 114.4, prohibiting corporations and labor organizations from making expenditures for communications to the general public expressly advocating the election or defeat of federal candidates. This new language applies only to expenditures.

2. The provisions regarding candidate debates, candidate appearances, distributing registration and voting information, voter guides, voting records, and conducting voter registration and get-out-vote drives in sections 110.13, 114.3, 114.4 and 114.13 have been revised and updated.

3. New provisions have been added to sections 110.12, 114.1., 114.2, and 114.4 to define ''restricted class,'' and to address candidate appearances at colleges and universities, endorsements of candidates, and activities which facilitate the making of contributions.

4. New language has been added to 11 CFR 114.2, 114.3 and 114.4 to address the question of when coordination between a candidate and a corporation or labor organization will cause an activity to become a prohibited contribution.

Please note that at an earlier stage of this rulemaking, the Commission revised the definition of express advocacy in accordance with the judicial interpretations found in *Buckley* v. *Valeo,* 424 U.S. 1, 44 n. 52 (1976) (*Buckley, MCFL* and *Federal Election Commission* v. *Furgatch,* 807 F 2d 857 (9th Cir.), *cert. denied,* 484 U.S. 850 (1987) (*Furgatch*) and moved it to 11 CFR 100.22. *See* Explanation and Justification for 11 CFR 100.17, 100.22, 106.1, 109.1 and 114.10, 60 FR 35292 (July 6, 1995). At that time, the definition of ''clearly identified,'' in 11 CFR 100.17, was also updated. In addition, new section 114.10 was added to allow qualified nonprofit corporations possessing certain essential features to use general treasury funds for independent expenditures, and to set out reporting obligations for qualified nonprofit corporations making independent expenditures. Section 114.10 implements the Supreme Court's decisions in *MCFL* and *Austin* v. *Michigan Chamber of Commerce,* 494 U.S.C. 652 (1990) (*Austin*).

The history of this rulemaking, including the Petition for Rulemaking and the comments and public testimony, are discussed in more detail in the previously published Explanation and Justification at 60 FR 35292 (July 6, 1995), and in the Notice of Proposed Rulemaking at 57 FR 33548 (July 29, 1992) (Notice or NPRM). The promulgation of these regulations, after the close of the thirty legislative day period, will complete the Commission's consideration of the National Right to Work Committee's Petition for Rulemaking.

Section 100.7(b)(21) Contribution

Paragraph (b)(21) of this section is being amended by removing the term ''nonpartisan'' in describing candidate debates because that term is no longer used in the debate rules at 11 CFR 110.13. In addition, the cite to section 114.4(e) is being changed to 111.4(f) to correspond to the renumbering of that section.

Section 100.8 (b)(3) and (b)(23) Expenditure

Paragraph (b)(3) of section 100.8 is being amended to delete the term ''nonpartisan'' in describing the type of voter drive activity which fall outside the definition of ''expenditure.'' In order for this exception to apply, such activity must still be conducted without any effort to determine party or candidate preference. A reference to section 114.3(c)(4) has also been added for the convenience of readers concerned with corporate or labor organization voter drives aimed at the restricted class.

Paragraph (b)(23) of this section is being amended by removing the term ''nonpartisan''in describing candidate debates because that term is no longer used in the debate rules at 11 CFR 110.13. In addition, the cite to section 114.4(e) is being changed to 114.4(f) to correspond to the renumbering of that section.

Section 102.4(c)(1) Administrative Termination

The citation to the rules governing debt settlement procedures is being changed from 11 CFR 114.10 to 11 CFR part 116. Section 114.10 now covers qualified nonprofit corporations, not debt settlement.

Section 109.1(b)(4) Coordination with Candidates

The Notice suggested revising 11 CFR 109.1(b)(4) to indicate that the limited types of communication with candidates and their campaign staff which are described in 11 CFR 114.2(c), 114.3 and 114.4 do not constitute coordination if they comply with the requirements of those sections. Upon further reflection, this proposal has been dropped because 11 CFR part 109 covers all persons, and the Commission's concerns regarding the coordination of corporate or labor organization activity is more appropriately addressed in 11 CFR 114.2 through 114.4, which are discussed below.

Section 110.12 Candidate Appearance on Public Educational Institution Premises

New section 110.12 of the regulations addresses candidate appearances on the premises of public educational institutions. This section generally follows new paragraph (c)(7) of section 114.4, which is discussed more fully below. It has been included in the regulations so that public colleges and universities may continue to invite candidates to appear and address either the academic community or the general public in the same manner as incorporated private colleges and universities. A number of commenters pointed out that private schools should be treated the same as public educational institutions. Please note, however, that these institutions are also governed by state law which may impose additional requirements in this area.

Section 110.13 Candidate Debates

The Commission has revised its regulations at 11 CFR 110.13 governing the staging of candidate debates in several respects. First, the previous requirement that debates be ''nonpartisan'' has been removed. However, the rules continue to specify that candidate debates may not be structured to promote or advance a particular candidate. Also, debates may not be coordinated with a candidate in a manner that would result in the making of an in-kind contribution.

In the NPRM, the Commission has proposed several additional requirements, such as a restriction on discussing campaign strategy and tactics with the candidate or agents of the candidate. The NPRM also included restrictions on giving one candidate more time during the debate or more advance information as to the questions to be asked. Several commenters were critical of these proposals. While this language has been deleted from the final rules, these restrictions are subsumed within the requirement that the debate not be structured to promote or advance a particular candidate over the others.

The Commission also considered including language stating that staging organizations may not expressly advocate the election or defeat of any clearly identified candidate during the debates. That language does not need to be included in the final rule because the rules already state that the debates may not be structured to promote or advance one candidate over another. Please note that no portion of the entire event, including any pre-debate or post-debate commentary and analysis, may be structured to promote or advance a particular candidate. Nevertheless, a news organization that stages a candidate debate may produce a separate editorial containing express advocacy under the news story exception to the definitions of contribution and expenditure in 11 CFR 100.7(b)(2) and 100.8(b)(2).

1. Definition of Staging Organization

Section 110.13(a) addresses several issues that have been raised regarding nonprofit groups and media organizations that wish to be staging organizations for candidate debates. First, this provision was rewritten to clarify that nonprofit organizations described in 26 U.S.C. 501 (c)(3) and (c)(4) may stage debates even if they have not received official confirmation from the Internal Revenue Service of their status as nonprofit organizations. In addition, the previous language may have been confusing because it described these entities as ''exempt from Federal taxation'', when they may be required to pay taxes on their nonexempt function income. Please note that under section 110.13, it is possible for a candidate debate to be sponsored by multiple staging organizations. The Internal Revenue Service commented that while the requirements in the FEC's rules are not identical to the factors the IRS considers, they do not conflict with the IRS's rules regarding political activity carried out by 501(c) organizations. Another commenter questioned the reason for disqualifying nonprofit organizations from staging debates if they endorsed candidates, as long as the debate is fair. The Commission is retaining this requirement because it is needed to ensure the integrity of candidate debates.

Section 110.13(a)(2) follows the previous provision by indicating that broadcasters and the print media may stage candidate debates, but it does not indicate whether local cable stations or cable networks may stage debates. However, questions involving cable debates will be addressed in a separate NPRM. This area is currently subject to many changes, and the Commission intends to consult further with the Federal Communications Commission before addressing it.

Two comments questioned the use of the term ''*bona fide*'' to describe newspapers who may qualify as debate staging organizations, and the Commission's authority to determine what is a *bona fide* newspaper or magazine under the First Amendment guarantee of freedom of the press. *Bona fide* newspapers and magazines include publications of general circulation containing news, information, opinion, and entertainment, which appear at regular intervals and derive their revenues from subscriptions and advertising. This term is explained in more detail in the Explanation and Justification for the 1979 rules on funding and sponsorship of federal candidate debates. *See* 44 FR 76734 (December 27, 1979). These rules were transmitted to Congress on December 20, 1979, together with the Explanation and Justification. They became effective on April 1, 1980, after neither house of Congress disapproved them under 2 U.S.C. 438(d)(2). (An earlier version of the candidate debate rules was disapproved by Congress on September 18, 1979. *See* 44 FR 39348 (July 5, 1979).) This is, as the Supreme Court has noted, an ''indication that Congress does not look favorably'' upon the Commission's construction of the Act. *FEC* v. *Democratic Senatorial Campaign Committee,* 454 U.S. 27, 34 (1981). *See also, e.g., Sibbach* v. *Wilson,* 312 U.S. 1, 16 (1941) (''That no adverse action was taken by Congress indicates, at least, that no transgression of legislative policy was found''). Accordingly, the revised rules follow the previous provisions by retaining the term ''*bona fide*'' to describe newspapers and magazines that may stage candidate debates.

Finally, please note that the purpose of section 110.13 and 114.4(f) is to provide a specific exception so that certain nonprofit organizations and the news media may stage debates, without being deemed to have made prohibited corporate contributions to the candidates taking part in debates. This exception is consistent with the traditional role these organizations have played in the political process. Individuals and unincorporated entities wishing to stage debates are not covered by the exception.

2. Debate Structure and Selection of Candidates

The rules in section 110.13(b)(1) continue the previous policy of permitting staging organizations to decide which candidates to include in a debate, so long as the debate includes at least two candidates. Please note that a face-to-face appearance or confrontation by the candidates is an inherent element of a debate. Hence, a debate does not consist of a series of candidates appearances at separate times over the course of a longer event. *See* AO 1986–37. Nevertheless, the requirement of including two candidates would be satisfied, for example, if two candidates were invited and accepted, but one was unable to reach the debate site due to bad weather conditions, and the staging organization held the debate with only the other candidate present. Other situations will be addressed on a case-by-case basis. The Commission does not intend to penalize staging organizations for going forward with debates when circumstances beyond their control result in only one candidate being present and it is not feasible to reschedule. Please note that in some situations, the rules in 11 CFR 114.4 regarding candidate appearance may also be applicable.

Many comments, and much public testimony, was received on whether the Commission should establish reasonable, objective, nondiscriminatory criteria to be used by staging organizations in determining who must be invited to participate in candidate debates. In the alternative, it was suggested that the Commission could allow staging organizations to use their own pre-established sets of reasonable, objective, nondiscriminatory criteria, provided the criteria are subject to Commission review and are announced to the candidates in advance.

In response to the comments and testimony, new paragraph (c) has been added to section 110.13 to require all staging organizations to use pre-established objective criteria to determine which candidates are allowed to participate in debates. Given that the rules permit corporate funding of candidate debates, it is appropriate that staging organizations use pre-established objective criteria to avoid the real or apparent potential for a *quid pro quo*, and to ensure the integrity and fairness of the process. The choice of which objective criteria to use is largely left to the discretion of the staging organization. The suggestion that the criteria be ''reasonable'' is not needed because reasonableness is implied. Similarly, the revised rules are not intended to permit the use of discriminatory criteria such as race, creed, color, religion, sex or national origin.

Although the new rules do not require staging organizations to do so, those staging debates would be well advised to reduce their objective criteria to writing and to make the criteria available to all candidates before the debate. This will enable staging organizations to show how they decided which candidates to invite to the debate. Staging organizations must be able to show that their objective criteria were used to pick the participants, and that the criteria were not designed to result in the selection of certain pre-chosen participants. The objective criteria may be set to control the number of candidates participating in a debate if the staging organization believes there are too many candidates to conduct a meaningful debate.

Under the new rules, nomination by a particular political party, such as a major party, may not be the sole criterion used to bar a candidate from participating in a general election debate. But, in situations where, for example, candidates must satisfy three of five objective criteria, nomination by a major party may be one of the criteria. This is a change from the Explanation and Justification for the previous rules, which had expressly allowed staging organizations to restrict general election debates to major party candidates. *See* Explanation and Justification, 44 FR 76735 (December 27, 1979). In contrast, the new rules do not allow a staging organization to bar minor party candidates or independent candidates from participating simply because they have not been nominated by a major party.

The final rules which follow also continue the previous policy that sponsoring a primary debate for candidates of one political party does not require the staging organization to hold a debate for the candidates of any other party. *See* Explanation and Justification, 44 FR 76735 (December 27, 1979).

Section 114.1 Definitions

1. Contribution and Expenditure

The revised regulations in 11 CFR 114.1 (a)(1) and (a)(2) recognize that the *MCFL* decision necessitates certain distinctions between the terms ''contribution'' and ''expenditure.'' The previous rules had treated these terms as coextensive. The distinction arises because the Court read an express advocacy standard into the 2 U.S.C. 441b definition of expenditure. However, payments which are coordinated with candidates constitute expenditures and in-kind contributions to those candidates even if the communications do not contain express advocacy. *See* AO 1988–22.

One commenter urged the Commission to continue to interpret the term ''contribution or expenditure'' to cover the same disbursements. The comment argued that the *MCFL* decision applies equally to contributions and expenditures. The Commission disagrees with this interpretation of *MCFL*, given that the case only involved the issue of whether corporate expenditures were made. In *MCFL*, the parties did not raise, and the Supreme Court did not resolve, the factual question of whether corporate contributions had been made by MCFL, Inc. However, the *MCFL* Court reaffirmed the First Amendment distinction between independent expenditures and contributions, which was recognized in the *Buckley* opinion. In *Buckley*, the Supreme Court generally struck down the Act's limitations on independent campaign expenditures by individuals and organizations (*Buckley*, 424 U.S. at 39–51), but upheld the constitutionality of the Act's restrictions on contributions to candidates. *Id*. at 23–38. Subsequently, the Court stated in *NCPAC* that ''there was a fundamental constitutional difference between money spent to advertise one's views independently of the candidate's campaign and money contributed to the candidate to be spent on his campaign.'' *Federal Election Comission* v. *National Conservation PAC*, 470 U.S. 480, 497 (1985). Similarly, the Court indicated that ''a corporation's expenditures to propagate its views on issues of general public interest are of a different constitutional stature than corporate contributions to candidates.'' *Id.*, at 495–96. In light of this judicially-recognized distinction, the final version of section 114.1(a)(1) and (a)(2) is being modified to recognize that the terms ''contribution'' and ''expenditure'' are not coextensive.

The attached rules also include two technical amendments to section 114.1(a)(1). First, the reference to the National (sic) Savings and Loan Insurance Corporation has been deleted, because that entity no longer exists. Paragraph (a)(2)(ii) of section 114.1 is also being amended to remove the reference to ''nonpartisan'' voter drives.

2. Restricted Class

New paragraph (j) of section 114.1 contains a definition of ''restricted class'' for purposes of receiving

corporate or labor organization communications containing express advocacy. It has been included to avoid describing everyone in the restricted class in numerous places throughout the regulations where it would be more convenient to simply use the term ''restricted class.'' The definition does not change who is considered to be within the restricted class. It also does not change who is an executive or administrative employee under section 114.1(c) or who is a member of a membership association under section 114.1(e).

For most corporations and labor organizations, the restricted class is the same as the solicitable class. However, for incorporated trade associations and certain cooperatives, there are differences in who can receive solicitations and who can receive express advocacy communications. For example, a trade association's restricted class includes member corporations who are not in its solicitable class, since corporations may not make contributions under section 441b of the FECA. Conversely, however, a trade association may solicit its member corporations' stockholders and executive and administrative personnel, even though these individuals are not in its restricted class, if the member corporations have approved the solicitations. *See, e.g.,* AO 1991–24 and 11 CFR 114.8.

Section 114.2 Prohibitions on Contributions and Expenditures

1. Express Advocacy

The final rules incorporate an express advocacy standard in several sections of 11 CFR part 114. First, new language in paragraphs (a) and (b) of section 114.2 prohibits corporations and labor organizations from making expenditures for communications to the general public that expressly advocate the election or defeat of one or more clearly identified candidates. Please note that some portions of the regulations refer to ''communications containing express advocacy.'' This term has the same meaning as the references elsewhere to ''communications expressly advocating the election or defeat of one or more clearly identified candidates.''

For the reasons explained above, the express advocacy standard in the revised rules applies to independent expenditures, but not contributions. The prohibition against contributions made by corporations and labor organizations in connection with federal elections remains unaffected by *MCFL.* Most, but not all, commenters supported the adoption of an express advocacy standard for evaluating independent expenditures under section 441b of the FECA.

The provision prohibiting expenditures for communications containing express advocacy applies to all corporations and labor organizations except for qualified nonprofit corporations meeting the criteria set out in new section 114.10. Thus, these qualified nonprofit corporations may use general treasury funds to make independent expenditure communications to the general public which contain express advocacy. These could include registration and voting communications, official registration and voting information, voting records and voter guides. *See also* 11 CFR 114.4(c)(1)(i) and (ii).

2. Coordination With Candidates

A new paragraph (c) has been added to 11 CFR 114.2 to address the topic of coordination of corporate or labor organization activity with candidates or their authorized committees or agents, which results in the making of an in-kind contribution. Previous paragraphs (c) and (d) have been redesignated as paragraphs (d) and (e), respectively.

a. Initial Proposals. In *Buckley* v. *Valeo,* the Supreme Court made a distinction between independent expenditures and contributions. The Court observed, ''[u]nlike contributions, such independent expenditures may well provide little assistance to the candidate's campaign and indeed may prove counterproductive. The absence of prearrangement and coordination of an expenditure with the candidate or his agent not only undermines the value of the expenditure to the candidate, but also alleviates the danger that expenditures will be given as a *quid pro quo* for improper commitments from the candidate.'' *Buckley,* 424 U.S. at 47. Thus, *Buckley* could be interpreted to prohibit all contacts with candidates. However, the NPRM recognized that it is justifiable to allow some forms of contact to preserve the previous range of permissible activity, such as sponsoring candidate appearances. The prohibition against corporate contributions was expressly reaffirmed in *MCFL.* 479 U.S. at 260. Therefore, the NPRM sought to draw a distinction between permissible contacts with candidates which are necessary to conduct these activities, and more extensive coordination that will result in in-kind contributions in some circumstances. The proposals in the NPRM would have defined coordination to include discussions of specific campaign strategy or tactics.

The proposed rules include new language in section 114.2(c) indicating when corporate and labor organization disbursements will be treated as impermissible in-kind contributions to particular candidates. Prior to the *MCFL* decision, the Commission had not needed to examine the extent to which such payments by corporations and labor organizations could be treated as in-kind contributions, because they were simply treated as prohibited corporate or labor organization expenditures in connection with federal elections, unless permitted by a specific exemption.

b. Comments and Testimony. Numerous commenters expressed a wide variety of views on this topic. Many were confused as to how such a standard would work in practice. Some pointed out that this was an area not addressed by the *MCFL* decision, and that it appeared as though the Commission was trying to find a way to impose new requirements that would be at least as restrictive as the former partisan/nonpartisan standard. They argued that section 441b(b)(2)(A) of the FECA excludes communications with the restricted class on any subject from the definition of contribution or expenditures. Others favored a more restrictive rule allowing no contacts except for arranging the logistics of candidate debates and appearances, or obtaining responses for voter guides.

c. Revised Rules. In response to these concerns, new section 114.2(c) has been rewritten to clarify what types of contacts with candidates are considered impermissible coordination, and what types are permissible. The comments received in response to these proposals illustrated the need to clarify and simplify the operation of these provisions. Under revised section 114.2, a corporation or labor organization that only makes communications to its restricted class does not run the risk of having its expenditures treated as in-kind contributions. On the other hand, a corporation or labor organization that engages in election-related activities directed at the general public must avoid most forms of coordination with candidates, as this will generally result in prohibited in-kind contributions, and will compromise the independence of future communications to the general public. For example, a prohibited in-kind contribution would result if a voter guide is prepared and distributed after consulting with the candidate regarding his or her plans, projects or needs regarding the campaign. Please note that, in the case of a communication just to the restricted class, coordination will not cause that activity or future communications to the restricted class to be considered in-kind contributions.

However, such coordination may compromise the ability of a corporation's or labor organization's separate segregated fund to make independent expenditures to those outside the restricted class in the future.

Additional changes to the rules covering candidate debates, candidate appearances, colleges and universities, voting records, voting guides, voter registration and get-out-the-vote drives, endorsements, trademarks and letterhead, and facilitation are described below.

3. Facilitating the Making of Contributions

As part of the revisions to 11 CFR Part 114, the Commission has reassessed the prohibition against corporations and labor organizations facilitating the making of contributions, and is adding a new provision which modifies its prior interpretation. Previously, in AOs 1987–29, 1986–4 and 1982–2, MUR 3540 and in the 1989 and 1977 Explanation and Justifications of sections 110.6 and 114.3, the Commission has stated that corporations and labor organizations may not facilitate the making of contributions to particular candidates or political committees other than their own separate segregated funds. *Explanation and Justification of Regulations*, H. Doc. No. 95–44, 95th Cong., 1st Sess. at 104–105 (1977); 54 F.R. 34106 (Aug. 17, 1989).

The NPRM contemplated adding new language to 11 CFR 114.3(d) to set forth the current policies regarding facilitating the making of contributions. Please note that the new facilitation rules have been relocated to 11 CFR 114.2(f), since section 114.3 covers activities involving only the restricted class, and facilitation can involve activities that are directed to the restricted class or that go beyond the restricted class.

The comments addressing this topic reflected a diversity of opinion. Some felt it was helpful to include the Commission's policies on facilitation in the regulations. Others felt the proposals would restrict the ability of corporations to engage in activities that were permissible, and would drive political fundraising underground, and thwart public disclosure. Another concern was that the rules would discourage corporations and labor organization from supporting the political activities of their employees in situations where the corporation or labor organizations does not take a position on the election. The Internal Revenue Service found no conflict with its requirements covering nonprofit corporations.

The revised facilitation provisions attempt to address a variety of concerns. First, section 114.2(f)(1) sets out the general prohibition, and explains that facilitation means using corporate resources or facilities to engage in fundraising for candidates. However, this is not intended to negate the range of permissible activities found in other portions of the rules. For example, individual volunteer activity using corporate or labor organization facilities is still permissible under 11 CFR 100.7, 1008, and 114.9 (a), (b), and (c), provided it meets the conditions set forth in those rules. Similarly, there are no changes to the regulations governing the rental or use of corporate or labor organization facilities or aircraft by other persons. 11 CFR 114.9 (d) and (e).

The new rules at 11 CFR 114.2(f)(1) also explain that commercial vendors, such as hotels or caterers, would not facilitate the making of corporate contributions if in the ordinary course of their business they provide meeting rooms or food for a candidate's fundraiser and receive the usual and normal charge. The term ''commercial vendor'' is defined in 11 CFR 116.1(c).

In the past, the Commission has also addressed situations where a candidate owns or operates a corporation. *E.g.* AOs 1995–8, 1994–8 and 1992–24. Nothing in the new facilitation rules would modify the conclusions of these opinions that these corporations may serve as a commercial vendor or lessor to the candidate's committee as long as the transactions are consistent with the corporation's ordinary course of business.

New paragraph (f)(2) of section 114.2 gives several examples of facilitation. Some of these include activities that do not fall within the ''safe harbors'' provided by other regulations. For example, facilitation would occur if a corporation or labor organization makes its meeting room available for a candidate's fundraiser, but has not made the room available for community or civic groups. *Compare* 11 CFR 114.2(f)(2)(i)(D) *with* 11 CFR 114.13. The permissibility of using such room when the corporation or labor organization receives payment would be governed by 11 CFR 114.9(a), (b) or (d). Similarly, facilitation would result if other facilities, such as telephones and copiers, are used by campaign committee staff for a fundraiser, and the corporation is not reimbursed within a commercially reasonable time for the normal and usual rental charge. *Compare* 11 CFR 114.2(f)(2)(i)(B) *with* 11 CFR 114.9(d).

Other examples of facilitation include directing corporate or union employees to work on a fundraiser for a candidate; using a mailing, telephone or computer list of customers, vendors, or others outside the restricted class to distribute invitations and solicit contributions; and providing in-house or external catering and food services for the fundraiser. 11 CFR 114.2(f)(2)(i) (A), (C), and (E). However, in these three situations, the new rules allow either the candidate, or the organization's separate segregated fund, or the official directing the activity to pay the corporation or labor organization in advance for the fair market value of the services or the list. Such payment by a separate segregated fund or official would constitute an in-kind contribution subject to the individual's or the separate segregated fund's contribution limits, and is not treated as facilitation. The candidate's authorized committee must report receiving these in-kind contributions.

A more limited advance payment method was approved by the Commission with regard to employee services in AO 1984–37. The new rules go beyond this advisory opinion with regard to the source of the advance payment and the types of services for which advance payment may be made. ''In advance'' means prior to when the list is provided, or the catering or food services are obtained, or the employees perform the work. Fair market value consists of the price that would normally be paid in the marketplace where the corporation or labor organization would normally obtain these goods or services, if reasonably ascertainable. However, in no case is the fair market value less than the corporation's or labor organization's actual cost, which includes total compensation earned by all employees directed or ordered to engage in fundraising, plus benefits and overhead.

These new rules modify, to some extent, the interpretation applied in prior enforcement matters, including MUR 3540. The conciliation agreement for MUR 3540 stated that, ''[t]he 'individual volunteer activity' exemption does not, however, extend to collective enterprises where the top executives of a corporation direct their subordinates in fundraising projects, use the resources of the corporation, such as lists of vendors and customers, or solicit whole classes of corporate executives and employees. *See* MURs 1690 and 2668. The individual volunteer activity exemption also does not apply when an employee uses the facilities of a corporation in connection with a Federal election and the corporation is *reimbursed* by a political committee or

a candidate's committee [emphasis added]. *See* MUR 2185.''

However, the new facilitation regulations now provide another exemption where an individual or a candidate's committee or other political committee pays in advance for the use of corporate personnel who are directed to organize or conduct a fundraiser for the candidate as part of their job, and hence are not volunteers. Although employees may be asked to undertake such activity, under new language in paragraph (f)(2)(iv) of this section, it is not permissible to use coercion, threats, force or reprisal to urge any individual to contribute to a candidate or engage in fundraising activities. Thus, employees who are unwilling to perform these services as part of their job have a right to refuse to do so.

Under new paragraphs (f)(2)(iii) and (f)(4)(iii), facilitation includes corporate or labor organization solicitation of earmarked contributions that will be collected and forwarded by the organization's separate segregated fund (whether or not deposited in the separate segregated fund's account), unless the earmarked contributions are treated as contributions both by and to that separate segregated fund. The corporation or labor organization may name in the solicitation the candidate(s) for whom an earmarked contribution is sought. Space may be left on the contribution response card for contributors to designate candidates of their choice, but no candidates are suggested in the accompanying solicitation materials. The latter situation was presented in AO 1995–15. In both cases, under new paragraphs (f)(2)(iii) and (f)(4)(iii), the contributions must be counted against the separate segregated fund's limits to avoid facilitation, which is impermissible. Hence these new provisions supersede those portions of AOs 1991–29, 1981–57 and 1981–21 which indicate that a conduit separate segregated fund's contribution limits under 2 U.S.C. 441a are only affected if it exercises direction or control over the choice of the recipient candidate. Please note that 11 CFR 110.6(b)(2)(ii) has not been changed, and therefore continues to prohibit corporations or labor organizations, themselves, from acting as conduits for contributions earmarked to candidates. *See* AO 1986–4. However, in AO 1983–18, the Commission recognized that a trade association political action committee may collect and forward contributions to other trade association political action committees where directed by member corporation executives. A corporation or union employee may still utilize the volunteer exemption found at 11 CFR 100.7(b)(3) to collect earmarked contributions on their own time and forward such contributions to a specific candidate or committee. Such earmarked contributions would not be considered as contributions by the separate segregated fund.

Paragraph (f)(3) lists two examples of separate segregated fund activity that do not constitute corporate or labor organization facilitation. First, separate segregated funds may continue to solicit or make contributions in accordance with the requirements of 11 CFR 110.1, 110.2, and 114.5 through 114.8. Secondly, separate segregated funds may continue to solicit, collect and forward earmarked contributions to candidates under 11 CFR 110.6. The money expended by the separate segregated fund to solicit earmarked contributions must come from permissible funds received under the FECA, and will count against the separate segregated fund's contribution limit for the candidate(s) involved. These examples contrast with new paragraphs (f)(2)(iii) and (f)(4)(iii), under which a solicitation by the corporation or labor organization would either constitute facilitation or result in the contribution being counted against the separate segregated fund's contribution limits.

In addition to the latter example discussed above, paragraph (f)(4) lists two other examples of corporate or labor organization activity which do not result in facilitation. The first preserves the practice of enrolling the restricted class in a payroll deduction plan or check-off system, or an employee participation plan. No changes are being made in the operation of employee participation plans under 11 CFR 114.11 or payroll deduction plans. The second example permits solicitations of the restricted class for contributions that contributors will send directly to candidates, without being bundled or forwarded through the separate segregated fund. This situation was presented in AO 1989–29, and falls within the corporation's or labor organization's right to communicate with its restricted class on any subject under 2 U.S.C. 441b(b)(2)(A).

Section 114.3 Disbursements for Communications to the Restricted Class in Connection With a Federal Election

1. Express Advocacy, Coordination, and Reporting Internal Communications

The revised rules preserve several distinctions between communications and other activities directed solely to the restricted class (set forth at 11 CFR 114.3) and those directed to the general public or other individuals outside the restricted class (set forth at 11 CFR 114.4). Section 114.3 continues to recognize that the FECA permits corporations and labor organizations to communicate with their restricted classes on any subject. 2 U.S.C. 441b(b)(2)(A). However, in light of the *MCFL* decision, the references to ''partisan'' activities have been replaced with narrower provisions that only apply to communications containing express advocacy. For example, in paragraph (c) of section 114.3, revised language makes clear that communications directed solely to the restricted class may contain express advocacy. In addition, amended section 114.3(b) now states more explicitly that only communications expressly advocating the election or defeat of a clearly identified candidate are subject to the reporting requirements of 11 CFR 100.8(b)(4) and 104.6. Similarly, the revisions delete the more restrictive language in previous section 114.3(a)(1) that had prohibited corporate and labor organization expenditures for ''partisan'' communications to the general public because revised section 114.4 establishes that such communications are only prohibited if they contain express advocacy or are impermissibly coordinated with candidates or political committees.

In contrast, under revised section 114.3(a)(1), communications directed solely to the restricted class may be coordinated with candidates and political committees. For example, they may involve discussions with campaign staff regarding a candidate's plans, projects, or needs. Such coordination will not transform that restricted class communication into an in-kind contribution. Nor will it affect subsequent activities directed only to the restricted class. However, communications to the restricted class that are based on a candidate's plans, projects and needs may jeopardize the independence of subsequent communications or activities, including those financed from the separate segregated fund, which extend to anyone outside the restricted class.

One witness at the hearing objected to labor organizations' use of general treasury funds which could come from compulsory union dues to subsidize new forms of election-related activity, or even the activities set out in sections 114.3 and 114.4. This is an area over which the Department of Labor has jurisdiction, and recently it issued final rules removing 29 CFR part 470, in response to Executive Order 12836 revoking Executive Order 12800. 58 FR

15402 (March 22, 1993). The Commission does not have jurisdiction over whether dues and assessments are paid as a condition of employment or whether they are voluntary.

2. Candidate Appearances

Paragraph (c)(2) of 11 CFR 114.3 governs corporate and labor organization funding of candidate appearances before the restricted class. The NPRM sought to resolve several issues not addressed in the previous rules and to clarify language on which the Commission has received a number of questions. For example, the Notice proposed that instead of allowing ''limited invited guests and observers'' to attend candidate appearances, the rule should refer to guests who are being honored or speaking or participating in the event. This is intended to cover individuals who are part of the program.

One commenter was concerned that this language would interfere with its ability to allow its members to attend a candidate appearance. Under these provisions, which have been retained in the final rules, all those who qualify as members, and are therefore in an organization's restricted class, may attend. As noted above, nothing in the attached revisions to the rules affects the definition of who is a member.

In addition, these amendments do not adversely affect the ability of corporations or labor organizations to invite their restricted class, other employees or the general public to attend a speech given by an officeholder or other prominent individual who is also a federal candidate, if the speech is not campaign-related and the individual is not appearing in his or her capacity as a candidate for Federal office. *See, e.g.,* AOs 1980–22 and 1992–6.

Two issues which generated considerable debate in this area were the solicitation and collection of contributions, and the presence of the news media, during restricted class candidate appearances.

a. Collection of Contributions by Candidates and Party Representatives During the Appearance

The NPRM sought comment on whether candidates and party representatives should continue to be able to solicit contributions during an appearance before the restricted class. This had been specifically allowed under previous section 114.3(c)(2) for appearances before the restricted class. The NPRM sought comments on whether the candidate should be able to collect contributions at appearances, such as by ''passing the hat'' or placing donation boxes in the meeting room. Given that the proposed rules sought to incorporate the Commission's established policy that corporations and labor organizations are not permitted to facilitate the making of contributions to candidates or political committees other than their separate segregated funds, the NPRM questioned whether allowing candidates to accept contributions during their appearances should be viewed as impermissible facilitation.

Some comments supported allowing candidates to request contributions. The Internal Revenue Service found no conflict between the provisions regarding candidate appearances and its rules.

Section 114.3(c)(2) of the final rules provides that a candidate or party representative may ask for and collect contributions before, during or after the appearance while on corporate or union premises. Candidates and party representatives may also provide information on how to make contributions, such as by giving out a phone number or mailing address or by leaving envelopes or other campaign materials. However, this provision also specifies that corporate or labor organization officials may not collect contributions during the event. The collection of contributions by such officials would go beyond the right to communicate with the restricted class on any subject, and in essence, turn the candidate appearance into a fundraising event sponsored by the corporation or labor organization. As explained above, under new section 114.2(f), corporations and labor organizations may not facilitate the making of contributions to candidates.

b. Presence of the News Media

Several issues have arisen regarding section 114.3(c)(2), which governs the presence of news media representatives at candidate appearances before only the restricted class. For example, a news organization may wish to reprint or broadcast the candidate's appearance in its entirety. Concerns have been raised that a candidate appearance before a corporation's or labor organization's restricted class would be transformed by this type of gavel-to-gavel coverage into a general public appearance. Accordingly, the Commission sought comments on two alternative proposals. Under Alternative C–1, such coverage was contemplated for appearances before the restricted class, provided that two conditions were met. First, if the corporation or labor organization permits one media representative to cover the appearance, all *bona fide* media organizations who request to cover the appearance must be given the opportunity to do so. This could be accomplished through pooling arrangements, if necessary. Secondly, if the corporation or labor organization permits the news media to cover an appearance by one candidate, the news media must be given the opportunity to cover all other candidates who appear on the same or different occasions. Alternative C–2 indicated that the corporation or labor organization may not permit the media to cover such candidate appearances before just the restricted class. Instead, under Alternative C–2, in addition to the two requirements on media access, media coverage of candidate appearances would be permissible only if all rank and file employees may also attend, all candidates for the same seat who request to appear are given a similar opportunity, and the corporation or labor organization does not expressly advocate, or encourage the audience to expressly advocate, the election or defeat of any candidate.

One commenter felt that gavel-to-gavel coverage indicated that the candidate's speech is newsworthy, and that there is no evidence of a problem involving the exclusion of the news media. Others objected that the proposed rule would interfere with their ability to have officeholders address employees on topics of interest to the employees when the officeholders are candidates for office.

The Commission has concluded that a modified version of Alternative C–1 is preferable and has been included in section 114.3(c)(2)(iv). The proposed language of Alternative C–2 which would have required the organization open the event to all rank and file employees, not just the restricted class, has been dropped because this would be administratively difficult to accomplish. However, the requirements in Alternative C–1 that candidates for the same office be treated similarly, and that different news organizations also be treated fairly, have been retained. These new provisions are intended to ensure that the corporation or labor organization does not manipulate the news media coverage of newsworthy events that are subsequently broadcast to the general public in a way that ensures favorable coverage for certain candidates, and no coverage or unfavorable coverage for others. Please note, however, that nothing in the amended rules will force corporations or labor organizations to invite the media to events that they would otherwise prefer to limit to the restricted class.

3. Registration and Get-Out-the-Vote Drives

Section 114.3(c)(4) sets forth provisions governing voter registration and get-out-the-vote drives aimed at a corporation's or labor organization's restricted class. The NPRM included one revision to this provision. The proposed languaged stated explicitly that express advocacy is permissible in voter drive communications aimed solely at a corporation's or labor organization's restricted class. Consequently, the proposed revisions to section 114.3(c)(4) also retained the former language specifically permitting voter drive communications to urge the restricted class to vote for particular candidates and to register with a particular party. The proposed rules also contemplated continuing the long-standing policy that information and assistance in registering and voting shall not be withheld on the basis of support for or opposition to particular candidates or political parties.

The Internal Revenue Service indicated that while the FEC's proposed rules regarding candidate appearances are more specific than theirs, they do not impinge upon the Internal Revenue Service's ''facts and circumstances'' test.

Some commenters opposed removing the ''nonpartisan'' requirement from section 114.3(c)(4) because section 441b(b)(2)(B) of the Act requires that drives aimed at a corporation's or labor organization's restricted class be nonpartisan. The Commission believes the basic purpose of this statutory provision will be maintained by continuing to require corporations and labor organizations to make the same voter registration and voter drive services available to those who do not support the organization's preferred candidates or political party. Consequently, the final voter driver rules in this section follow the previous proposals, with one change. The revised rules specify that voter registration efforts may include transportation to the place of registration in addition to transportation to the polls.

Section 114.4 Disbursement for Communications Beyond the Restricted Class in Connection With a Federal Election

1. Express Advocacy and Coordination

The provisions of section 114.4 regarding communications by corporations and labor organizations to persons outside the restricted class have also been substantially revised and reorganized. First, the nonpartisan standards found in the previous regulations have been replaced by language prohibiting corporations and labor organizations from including express advocacy in communications directed outside the restricted class when: (1) holding candidate appearances; (2) issuing registration and get-out-the-vote communications; (3) distributing registration and voting information, forms, or absentee ballots; (4) producing voter guides or voting records; or (5) conducting voter registration and get-out-the-vote drives.

Second, in response to the concerns expressed by several commenters which are discussed above, the Commission has substantially revised the concept of coordination in section 114.4. The *MCFL* decision addressed the scope of the FECA's prohibition against corporate expenditures. However, the prohibition against corporate contributions was expressly reaffirmed in *MCFL*. 479 U.S. at 260. Accordingly, the final rules which follow preserve the statutory ban on contributions made by corporations and labor organizations in connection with federal elections. Prohibited contributions include in-kind contributions resulting from the coordination of election-related corporate or union communications with candidates, except for certain activities described in this section and 11 CFR 114.3, which may involve limited types of coordination with candidates.

Under revised section 114.4(a), communications to the general public or to employees outside the restricted class that are based on information about a candidate's plans, projects and needs provided by the candidate or the candidate's agent are considered coordinated, and hence, in-kind contributions. Such coordination may also jeopardize the independence of subsequent communications to the general public, but will not affect future communications to the restricted class.

Qualified nonprofit corporations under 11 CFR 114.10 are subject to the same restriction on coordinating their communications directed to the general public. Consequently, they may not include express advocacy in coordinated communications directed beyond the restricted class. Conversely, if they do include express advocacy in communications to the general public, these communications may not be coordinated with any candidate or political party. The purpose of the limited exception the Supreme Court recognized in *MCFL* was to avoid impermissibly infringing on these organizations' First Amendment rights when making independent expenditures.

2. Candidate and Party Appearances

The NPRM sought comments on several questions and possible amendments regarding corporate and labor organization funding of candidate appearances before employees who are not in the restricted class. Section 114.4(b), as set out in the Notice, followed the previous rules at 11 CFR 114.4(a)(2) by allowing rank and file employees who are not in the restricted class to attend candidate appearances organized by corporations or labor organizations. Please note that corporate appearances are covered in paragraph (b)(1), and parallel provisions for labor organizations are found in paragraph (b)(2).

As explained above, certain contacts with the candidate's campaign may be necessary to arrange the appearance. However, because these communications are being made beyond the restricted class, discussions of the candidate's plans, projects or needs relating to the campaign go beyond the permissible level of coordination, and hence would transform the appearance into an in-kind contribution. Likewise, corporations and labor organizations are also not permitted to expressly advocate the election or defeat of any clearly identified candidates in conjunction with the appearance. Nor should they promote or encourage express advocacy by the audience, thereby transforming the appearance into little more than a campaign rally.

a. Notifying and Inviting Other Candidates; Audience

In situations where one candidate appears at a corporate or labor organization event, the proposed rules in section 114.4(b) would have followed the previous provisions by requiring corporations and labor organizations to let the other candidates for that office come and speak if they so request. However, comments were sought on possibly requiring a corporation to notify the other candidates in advance whenever they invite a candidate to appear. The commenters expressed concern that such a requirement would be unworkable. Accordingly, the final rules do not contain a prior notice provision.

Instead, the final rules on candidate appearances generally follow the candidate debate rules in the case of Presidential candidates by requiring corporations and labor organizations to establish, in advance, objective criteria for deciding which Presidential and Vice Presidential candidates may appear, upon request. Under section 114.4(b)(1)(i), appearances by House

and Senate candidates remain subject to the requirement that all candidates for the seat must be given a similar opportunity to appear, upon request. Similarly, the provisions governing appearances by political party representatives in paragraph (b)(1)(iii) generally follow the previous regulations.

Comments were also requested on new language in section 114.4(b)(1)(vi) that would not allow the corporation or labor organization to favor one candidate through the structure or format of the candidate appearance. One example cited was giving rank and file employees time off to listen to one candidate but not to listen to others. Another example arises where candidates receive unequal time or facilities, unless it is clearly impractical to provide all candidates with similar opportunities, such as where a candidate requests to appear after a labor organization's convention is over. In response to another comment which objected to consideration of the format and timing of a candidate appearance, the Commission is revising the language in section 114.4(b)(1)(vi) to clarify that candidates cannot be given unequal amounts of time or substantially different locations for their appearances, unless the corporation can show it is impractical to give each candidate a similar time and location.

In addition, paragraph (b)(1) of section 114.4 allows guests who are being honored or speaking or participating in the event (i.e. those who are part of the program), to be present during the candidate appearance. This provision follows similar language in 11 CFR 114.3(c)(2)(i).

b. Collection of Contributions by Candidates and Party Representatives During the Appearance

A question presented in the NPRM was whether the candidate or party representative may solicit and collect contributions during an appearance before employees who are not in the restricted class. Although this has been specifically allowed under section 114.3(c)(2) for appearances before the restricted class, there was no provision in former section 114.4 either allowing or disallowing this practice when the audience extends to all employees. The NPRM sought comments on whether the candidate should be able to pass the hat or place donation boxes in the room.

Some comments supported allowing candidates to request contributions, but indicated that the rules needed to clarify that this would not constitute facilitation by the corporation or labor organization. The Internal Revenue Service found no conflict between the provisions regarding candidate appearances and its rules.

Section 114.4(b)(1)(iv) of the final rules provides that a candidate or party representative may ask for contributions, may provide information on how to make contributions, and may leave campaign materials and envelopes for making contributions. *See, e.g.*, AO 1987–29, n. 2. However, this provision also specifies that candidates and party representatives may not collect contributions during the event.

Moreover, the corporation or labor organization, and its officers and employees, may not solicit or collect these contributions. This restriction includes corporate and union officials who may also serve on a fundraising committee for the candidate or otherwise be active in the campaign. The collection of contributions by corporate or union officials would, in essence, turn the candidate appearance into a general fundraising even sponsored by the corporation or labor organization, in violation of the new facilitation regulations of section 114.2(f).

c. Presence of the News Media

The Notice presented several issues regarding the presence of news media at candidate appearances before employees outside the restricted class. For the reasons stated above, the final rules regarding these appearances follow the new regulations applicable to appearances before the restricted class. *See* discussion of 11 CFR 114.3(c)(2)(iv), including NPRM and comments, *supra.*

3. Use of Logos, Trademarks and Letterhead

Another topic addressed in this rulemaking concerns the use of corporate or labor organization logos, trademarks and letterhead. The Commission has encountered situations in which executives of corporations or labor organizations use official corporate or labor organization stationery, whether or not reproduced at the executive's personal expense, to solicit funds or support for a candidate. *E.g.*, MURs 3066, 1690 and 1261. The question presented in the NPRM was whether such a logo, trademark or letterhead may be used if the corporation or labor organization is reimbursed for the intangible value of the item(s), or whether their use (except through ordinary commercial transactions in the usual course of business) should be prohibited.

Comments were sought on two alternative approaches. The first option, Alternative B–1, was to amend the definition in section 114.1(a)(1) to treat logos, trademarks and letterhead as something of value and a contribution or expenditure if provided without charge or at less than the fair market value. That approach would have allowed individuals and candidates to reimburse corporations and labor organizations for the cost of the stationery plus the value of using the corporate or union symbol, name, etc. One difficulty, however, would have been ascertaining the fair market value, given subjective consideration such as goodwill. Thus, the second option, which was set forth as Alternative B–2 in section 114.4(c)(1), was to prohibit such uses, whether or not the corporation or labor organization is reimbursed, with four exceptions for: corporations qualifying for the *MCFL* exception; communications to the restricted class, as described under 11 CFR 114.3; communications beyond the restricted class, as permitted under 11 CFR 114.4; and solicitations made in accordance with 11 CFR 114.5 through 114.8.

The Commission received comments supporting and opposing both options. The Internal Revenue Service stated that alternative B–1 may conflict with the Internal Revenue Code requirements applicable to section 501(c)(3) corporations. Other commenters claimed that logos and letterhead were not corporate resources, or were of no value or of *de minimis* value, or that it is too difficult to assign a monetary value.

The Commission considered the alternatives regarding the use of logos, letterhead and trademarks when it prepared the final rules, but could not reach a majority decision by the required four affirmative votes. See 2 U.S.C. 437c(c). Consequently, neither alternative has been included in the final rules.

Both alternatives in the NPRM also indicated that when individuals make communications either by using personal stationery or by appearing in a campaign ad, the letter or advertisement cannot indicate that the individual is acting on behalf of the corporation or labor organization, and cannot include references to the individual's official title at that organization. Thus, these proposals were intended to preclude an individual from including an identification such as ''Vice President of XYZ Automobile Corporation.'' However, a general identification such as ''auto maker'' would be acceptable.

Several commenters opposed this restriction on various grounds, including that the corporate title is part of the individual's identity, the use of

the title enhances disclosure of those who are making the communication and it would encourage fraud if identifications were not allowed, and because the speech of people associated with nonprofit groups would be inhibited.

The Commission considered the use of corporate or labor organization titles in individual communications and advertisements on behalf of a candidate when it prepared the final rules, but could not reach a majority decision by the required four affirmative votes. See 2 U.S.C. 437c(c). Consequently, the proposed language has not been included in the final rules.

4. Registration and Voting Communications; Official Registration and Voting Information

The provisions of previous paragraphs (b)(2) and (b)(3) of section 114.4 regarding the distribution of registration and voting communications and information to the general public have been moved to new paragraphs (c)(2) and (c)(3), respectively. In addition to the changes regarding express advocacy and coordination with candidates, which are discussed above, revised paragraph (c)(3)(ii) no longer contains a reference to ''applicable state law'' permitting voter registration by mail. That language was made obsolete by the National Voter Registration Act of 1993, 42 U.S.C. 1973gg–1 *et seq.*

Please also note that section 114.4(c)(2), regarding voting communications, does not change the Commission's decision in AO 1980–20 that corporations may place newspaper or magazine advertisements simply urging the general public to register to vote.

5. Voting Records

Provisions regarding the dissemination of voting records of Members of Congress are being moved from previous section 114.4(b)(4) to new section 114.4(c)(4). In response to the *MCFL* decision, the NPRM proposed modifying these rules in two respects. First, new language was put forth prohibiting voting records, and all accompanying communications to the general public, from expressly advocating the election or defeat of one or more clearly identified candidates or the candidates of a clearly identified political party. The proposed amendments also sought to disallow coordination with candidates in distributing voting records. The Internal Revenue Service commented that although their standards were different than the FEC's, the FEC's proposed rules do not impinge on the test used by the Internal Revenue Service to determine whether voting records or voter guides constitute political activity. Another commenter believed there was no need to discuss these matters with candidates.

The revised version of section 114.4(c)(4) is substantially similar to the proposed rules. However, new language has been included to indicate that the decision as to the content of a voting record also may not be coordinated with a candidate or political party. The NPRM raised the question of whether to include language preventing corporations and labor organizations from obtaining voting record information directly from Members of Congress or political parties. The Commission has decided not to include such a restriction in the revised regulations.

6. Voter Guides

In *Faucher* v. *Federal Election Commission,* 928 F.2d 468 (1st Cir. 1991), *cert. denied sub nom. Federal Election Commission* v. *Keefer et al.,* 502 U.S. 820 (1991), the Court of Appeals for the First Circuit invalidated the Commission's previous voter guide regulations at 11 CFR 114.4(b)(5)(i). The Court concluded that the previous provisions of section 114.4(b)(5)(i) exceed the regulatory boundaries imposed by the FECA as interpreted by the Supreme Court. 928 F.2d at 472.

Consequently, the NPRM proposed revisions, located in section 114.4(c)(5), to allow corporations and labor organizations to prepare and distribute to the general public their own voter guides or to obtain voter guides prepared by nonprofit organizations that are tax-exempt under 26 U.S.C. 501 (c)(3) or (c)(4). The proposed rules would have required that the same amount of space be provided for each candidate's response, that the voter guide not contain express advocacy, and that contact with candidates be limited to the preparations reasonably necessary to produce the guide, such as written communications regarding the candidate's positions on issues. The proposed revisions also sought to eliminate the previous restrictions on the geographic area in which voter guides could be distributed, and to prohibit coordination of the distribution of voter guides with candidates.

Several commenters and witnesses challenged these proposals as contrary to the intent of the court in *Faucher.* In particular, they questioned the need to reprint the candidates' responses verbatim, the restriction that contacts with campaigns be in writing, the prohibition on coordinating the distribution of the guides, and the prohibition on distributing voter guides prepared by 501(c) organizations that endorse candidates, when the corporation or labor organization can make its own endorsements.

In view of these comments, the Commission has substantially revised the final rules to provide a choice of two different ways of issuing and distributing voter guides, which are intended to comport with *Faucher.* Revised section 114.4(c)(5) begins by explaining that voter guides consist of candidates' positions on campaign issues, and may include biographical information on the candidates. Voter guides are similar to candidate debates in that they must include at least two candidates in the same election. However, no particular format is required for either type of voter guide.

Under the new rules, both types of voter guides may be obtained from nonprofit organizations described in 26 U.S.C. 501 (c)(3) or (c)(4), regardless of whether the nonprofit group endorses candidates. Please note however, that a comment from the Internal Revenue Service indicates that nonprofit corporations organized under 26 U.S.C. 501(c)(3) cannot endorse candidates. The previous rules referred to these groups as ''tax exempt,'' which may be confusing given that they may pay tax on certain categories of income.

The first type of permissible voter guide, which is described in paragraph (c)(5)(i), is one that is prepared and distributed without any contact, cooperation, coordination or consultation with the candidate. the candidate's campaign or the candidate's agent. Hence, the information regarding the candidate's position on issues must be obtained from news articles, voting records, or other non-campaign sources. The voter guide also must not expressly advocate the election or defeat of any clearly identified candidate.

The second type of permissible voter guide, which is described in paragraph (c)(5)(ii), is subject to further restrictions because it contemplates limited written contact with the candidate's campaign committee to obtain the candidate's responses to issues included in the voter guide. For example, further coordination with a candidate or his or her agents, such as a discussion of the candidate's plans, projects, or needs relating to the campaign, does not fall within this limited exception, and would thus result in an in-kind contribution. The *Faucher* decision does not mandate eliminating all restrictions on voter guides save for the prohibition on express advocacy. Accordingly, organizations preparing the second type

of voter guide must give all candidates in the election (except for Presidential candidates) an equal opportunity to respond to the questions posed. Moreover, no candidate may receive greater prominence or substantially more space than other candidates participating in the voter guide. This requirement is similar to the candidate debate situation in which the forum may not be structured to promote one candidate over others.

The second type of voter guide must not contain an electioneering message. *See, Federal Election Commission* v. *Colorado Republican Federal Campaign Committee,* 59 F. 3d 1015 (1th Cir. 1995), *petition for cert. filed,* No. 95–489 (Sept. 21, 1995) (statement that an office holder has a right to run for the Senate, but doesn't have the right to change the facts constituted an electioneering message); and AOs 1985–14 and 1984–15. Similarly, the voter guide must not score or rate the candidates' responses in a way that conveys an electioneering message, such as by indicating that certain responses are ''right'' or ''wrong'' or receive a higher or lower grade than others.

7. Endorsements

The NPRM proposed adding new paragraph (c)(6) to section 114.4 to reflect the Commission's policy regarding public endorsements of candidates by corporations and labor organizations. In AO 1984–23, the Commission permitted a corporation to include an endorsement in a publication directed to its restricted class. In addition, the NPRM indicated that the endorsement could be made during the candidate's appearance before the restricted class. One comment objected to enhancing the publicity corporate endorsements will receive. Another comment opposed these restrictions on corporate endorsements because labor organization endorsements receive wider media coverage. The Commission believes these concerns are misplaced. Media coverage of endorsements by corporations or labor organizations is similar to media coverage of candidate appearances in that both are governed by the news media's determination as to the newsworthiness of the event.

The NPRM also sought comment on two alternative approaches regarding further corporate or labor efforts to publicize the endorsement through press releases and press conferences. Alternative D–1 sought to follow AO 1984–23 by allowing the corporation or labor organization to spend a *de minimis* amount to issue a press release regarding the endorsement to its usual media contacts. This language also explicitly recognized that the press release may be accompanied by a routine press conference. In contrast, Alternative D–2 would have permitted the corporation or labor organization to publicize the endorsement only by responding to quesitons posed during a routine press conference.

Several comments preferred Alternative D–1, believing that Alternative D–2 could be easily manipulated, and is an artificial distinction. The Commission agrees, and has therefore decided to adopt Alternative D–1.

The proposed rules would also have permitted corporations and labor organizations to have contact with candidates to the limited extent necessary to make the endorsement, without treating these communications as impermissible in-kind contributions. The Commission sought comment, however, on whether this limitation on candidate contact would inhibit the corporation's or labor organization's ability to obtain the information needed to make an endorsement decision. While one commenter expressed concern that these discussions with candidates and their campaign staff were unnecessary and provided an opportunity to coordinate endorsements with candidates, another commenter believed that organizations need to know the nature and viability and organization of the campaign, and thus the candidate's likelihood of success.

The Commission agrees that organizations need to discuss various issues with candidates and their staff when deciding who to endorse. Hence, the language in section 114.4(c)(6)(ii) has been revised to allow a greater range of discussion with the candidate or campaign staff prior to the endorsement. However, the public announcement of the endorsement may not be coordinated with the candidate or the candidate's agents or authorized committee.

Finally, the new rules advise consulting the Internal Revenue Code and IRS regulations regarding restrictions and prohibitions on endorsements by nonprofit corporations. The Internal Revenue Service indicated in its comment that nonprofit corporations organized under 26 U.S.C. 501(c)(3) cannot endorse candidates.

8. Candidate Appearances on Educational Institution Premises

The FECA prohibits corporations from making contributions to or giving anything of value to a federal candidate, including free use of facilities, such as halls and auditoriums. Since most private colleges and universities are incorporated, this prohibition applies to them. The NPRM included draft provisions to clarify the Commission's interpretation of this statutory prohibition as it applies to incorporated educational institutions. In the proposed rules, section 114.4(c)(7) included an exception to permit colleges, universities, and other incorporated nonprofit educational institutions which are exempt from federal taxation under 26 U.S.C. 501(c)(3) to make their premises available to groups that are associated with the school and wish to invite candidates to address students, faculty and the general public, under certain conditions.

Several comments and witnesses expressed an overall concern that the Commission was attempting to over-regulate political speech on campuses. They pointed out that historically, universities have sought to promote the free exchange and debate of ideas in an intellectual environment, and have tried to stimulate student interest in democratic processes and institutions. They were also concerned that the new rules could affect classroom discussions. The Internal Revenue Service indicated that the proposed FEC rules were more specific than the ''facts and circumstances'' test used by the IRS, but did not conflict with that test.

The Commission has now revised new paragraph (c)(7) of section 114.4 in a number of respects to clarify the intent of the new rules. First, language has been added at paragraph (c)(7)(i) to clarify that educational institutions may continue to charge candidates the usual and normal charge for the use of their facilities. Secondly, private colleges, universities, and other incorporated nonprofit educational institutions may make their premises available to candidates who wish to address students, faculty, the academic community, or the general public (whomever is invited) at no cost or for less than the usual and normal charge. *See* 11 CFR 114.4(c)(7)(ii). However, the school must make reasonable efforts to ensure that the appearances are conducted as speeches, question and answer sessions, or other academic events, and do not constitute campaign rallies. Incorporated educational institutions may also continue to allow individuals who are candidates to appear in another capacity, such as officeholders or prominent speakers on particular issues, if they do not refer to the campaign or their status as candidates. *See, e.g.,* AO 1992–6. The new rules also do not prevent candidates from participating in campus

events in other capacities, such as when the candidate is also a faculty member.

Although the proposed rules in the Notice covered candidate appearances on college campuses, they did not specifically address candidate debates. As noted by the commenters, there is a long tradition of holding candidate debates in college auditoriums. The Commission did not intend to curtail this practice, and the final rules do not prevent such debates from being held. Colleges and universities that qualify for tax-exempt status under 26 U.S.C. 501(c)(3) may stage candidate debates in accordance with the requirements set out in 11 CFR 110.13 and 114.4(f).

The proposed rules in section 114.4(c)(7)(i) would have required educational institutions to have an established policy allowing associated organizations, such as student groups, to sponsor candidate appearances so long as the policy does not favor one candidate or party over any other. Several commenters questioned the need for such a policy, and expressed concern that colleges and universities would be forced to grant access to their facilities to groups not connected with the educational institution. Consequently, the language in new section 114.4(c)(7) is being amended to include a more general requirement that the educational institution does not favor any one candidate or political party in allowing the appearances.

The proposed rules also sought to ensure that admission to a candidate's appearance would not be based on party affiliation, or any other indications of support for or opposition to the candidate by requiring either the educational institution or the sponsoring group to control access to the facility, rather than the candidate's campaign committee. This proposal has been dropped as impracticable.

The NPRM indicated that one objective was to ensure that these candidate appearances will not become campaign rallies, fundraising events, or opportunities for the school or group issuing the invitation to expressly advocate, or encourage the audience to expressly advocate, the election or defeat of the candidate who is appearing. Accordingly, the proposals sought to restrict the presence of campaign banners, posters, balloons and other similar items which would be viewed as indicative of a campaign rally. Several commenters and witnesses recognized the necessity for educational institutions to refrain from express advocacy, so as to avoid jeopardizing their nonprofit status. However, the comments also emphasized the practical difficulties in trying to control expressions of support or opposition by the audience, and trying to ensure that a campaign rally atmosphere does not ensue. They also questioned distinctions between posters and hats or buttons. Finally, they argued that colleges are public fora, and the government's ability to restrict speech in public fora is limited.

The revised rules in paragraph (c)(7)(ii)(B) retain the prohibition against the educational institution engaging in express advocacy. However, the language regarding a campaign rally atmosphere has been modified to require the educational institution to make reasonable efforts to ensure that the appearance does not turn into a campaign rally. This does not require the college or university to monitor buttons or campaign materials brought in or worn by members of the audience. These provisions are consistent with the requirement that exempt organizations under 26 U.S.C. 501(c)(3) refrain from participating in or intervening in political campaigns.

The NPRM also proposed a prohibition against candidates collecting contributions during the appearance, coupled with language allowing candidates to ask for contributions to be sent to their campaign committees. The Notice also suggested a provision barring educational institutions from soliciting contributions. The comments generally supported these proposals as consistent with the nonprofit status of these educational institutions under the Internal Revenue Code. They also suggested that candidates be informed in advance that they may not collect contributions.

It is not necessary to include in the final rules these restrictions on soliciting and collecting contributions. They are already subsumed within the requirement that the educational institution make a reasonable effort to ensure the candidate appearance does not become a campaign rally. In addition, candidate appearances at incorporated private colleges and universities are already subject to additional requirements under the Internal Revenue Code and regulations issued thereunder.

The NPRM also included provisions allowing educational institutions to invite the media to cover these candidate appearances and to broadcast them to the general public, provided the schools follow the same guidelines that would apply to other corporations, as set forth in section 114.3(c)(2)(iii) and section 114.4(b)(1)(viii). The Commission has decided not to include this provision in the final rules and to allow educational institutions and the news media to work out their own arrangements.

9. Candidate Appearances in Churches

The NPRM presented the possibility of issuing rules regarding candidate appearances in churches and religious facilities. However, this topic received little attention from the commenters. The large number of other more immediate issues in this rulemaking may have overshadowed considerations of candidate appearances in religious settings. At this point, the Commission has decided to defer this matter for further consideration.

10. Registration and Get-Out-The-Vote Drives

Voter registration and get-out-the-vote drives aimed at the general public or at employees outside the restricted class have been moved from previous paragraph (c) to renumbered paragraph (d) of section 114.4. The NPRM included several revisions to this provision, most of which are included in the attached final rules. First, the regulations distinguish between the speech and nonspeech components of voter drives. Thus, the rules conform to the MCFL decision by applying an express advocacy standard to the speech components of voter drives. Hence, new language in paragraph (d)(1) indicates that communications containing express advocacy may not be made during voter drives aimed at employees outside the restricted class, or during voter drives aimed more broadly at the general public.

The revised voter drive rules also include changes regarding the nonspeech components of voter drives. Under section 114.4(d), corporations and labor organizations may conduct voter registration and get-out-the-vote drives without the involvement of a nonprofit organization which is described in 26 U.S.C. 501 (c)(3) or (c)(4). To the extent that AO 1978–102 indicates that such drives must be jointly sponsored with a civic or nonprofit organization, that opinion is superseded by the regulatory changes to this section. However, the validity of AO 1980–45, which affirmed the ability of a 501(c)(3) nonprofit corporation to conduct a voter registration drive, is not affected by the revised rules. Paragraph (d)(2) specifies that these drives cannot be coordinated with any candidate or political party. Moreover, under paragraph (d)(5), workers cannot be paid only to register voters supporting a particular candidate or political party.

Both the proposed and the final rules in section 114.4(d)(4) contemplate

continuing the long-standing policy that information and assistance in registering and voting shall not be withheld on the basis of support for or opposition to particular candidates or political parties. New language in paragraph (d)(6) indicates that those receiving information or assistance must be notified in writing that their party or candidate preferences may not be a basis for refusing them assistance. This requirement can be easily satisfied simply by posting a sign at a voter registration table or in a vehicle used to take voters to the polls.

The comments and testimony revealed little, if any, consensus regarding these proposals. There was opposition to section 114.4(d) on the grounds that voter drives are something of value to candidates, and are therefore contributions or expenditures. There was also concern that the proposals did not contain sufficient safeguards against electioneering and coordination with candidates. On the other hand, others believed that the Commission has no authority to prohibit coordinating voter registration and get-out-the-vote drive communications with candidates, and that the only restriction on this activity should be that the organization must refrain from express advocacy. The provisions requiring certain notifications to the targets of the drive were thought to be unnecessary and expensive. The Internal Revenue Service indicated that while the FEC's rules are more specific than theirs, they do not impinge upon the Internal Revenue Service's ''facts and circumstances'' test.

After carefully considering the comments, the Commission has decided that the proposals in the NPRM are in keeping with the FECA and the *MCFL* decision. Thus, the final rules follow the proposed rules, with two minor changes. First, paragraph (d)(3) has been modified to clarify that voter registration and get-out-the-vote drives cannot be targeted primarily at individuals who will register with, or vote for, the party preferred by the drive sponsor. Second, the rules specify that voter registration efforts may include transportation to the place of registration in addition to transportation to the polls.

11. Membership Organizations, Trade Associations, Cooperatives and Corporations Without Capital Stock

Paragraph (e) of section 114.4 generally follows previous paragraph (d) by specifying that these organizations may hold candidate appearances under the same conditions as other corporations.

12. Candidate Debates

Provisions governing the funding of candidate debates, which were previously located in section 114.4(e), are now located in section 114.4(f). These rules have been revised in two respects. First, these debates are no longer referred to as ''nonpartisan.'' Second, the term ''*bona fide*'' has been moved so that it modifies ''newspaper, magazine and other periodical publication,'' instead of modifying ''broadcaster.'' This change conforms to the wording of the candidate debate rules in 11 CFR 110.13.

Section 114.12 Incorporation of Political Committees; Payment of Fringe Benefits

This section has been renamed to make it easier for the reader to locate the topics covered. In addition, paragraph (b) of section 114.12, which pertains to candidates using corporate and labor organization meeting rooms, has been moved to new section 114.13.

Section 114.13 Use of Meeting Rooms

This new section replaces previous 11 CFR 114.12(b). It permits corporations and labor organizations to make meeting rooms available to a candidate or political committee if the room is customarily made available to clubs, civic or community groups, and if the rooms are made available to any other candidate or committee upon request. It differs from the previous rule, however, in that it does not not refer to making rooms available on a ''nonpartisan basis.'' One commenter objected to this provision arguing that it sanctions the political use of labor organization facilities paid for, in part, with the forced dues of employees. Issues involving compulsory union dues are more properly within the jurisdiction of the Department of Labor.

Certification of no Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]

The attached final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that, few, if any, small entities will be affected by these final rules. In addition, any small entities affected are already required to comply with the requirements of the Federal Election Campaign Act.

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 102

Political committees and parties, Reporting and recordkeeping requirements.

11 CFR Part 109

Elections, Reporting and recordkeeping requirements.

11 CFR Part 110

Campaign funds, Political committees and parties.

11 CFR Part 114

Business and industry, Elections, Labor.

For the reasons set out in the preamble, Subchapter A, Chapter I of Title 11 of the *Code of Federal Regulations* is amended as follows:

PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

1. The authority citation for Part 100 continues to read as follows:

Authority: 2 U.S.C. 431, 438(a)(8).

2. 11 CFR part 100 is amended by revising paragraph (b)(21) of section 100.7 to read as follows:

§ 100.7 Contribution (2 U.S.C. 431(8)).

* * * * *

(b) * * *

(21) Funds provided to defray costs incurred in staging candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(f).

* * * * *

3. 11 CFR Part 100 is amended by revising paragraphs (b)(3) and (b)(23) of section 100.8 to read as follows:

§ 100.8 Expenditure (2 U.S.C. 431(9)).

* * * * *

(b) * * *

(3) Any cost incurred for activity designed to encourage individuals to register to vote or to vote is not an expenditure if no effort is or has been made to determine the party or candidate preference of individuals before encouraging them to register to vote or to vote, except that corporations and labor organizations shall engage in such activity in accordance with 11 CFR 114.4 (c) and (d). *See also* 11 CFR 114.3(c)(4).

* * * * *

(23) Funds used to defray costs incurred in staging candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(f).

* * * * *

PART 102—REGISTRATION, ORGANIZATION, AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433)

4. The authority citation for Part 102 continues to read as follows:

Authority: 2 U.S.C. 432, 433, 438(a)(8), 441d.

5. 11 CFR part 102 is amended by revising paragraph (c)(1) of section 102.4 to read as follows:

§ 102.4 Administrative termination (2 U.S.C. 433(d)(2)).

* * * * *

(c) * * *

(1) The committee has complied with the debt settlement procedures set forth at 11 CFR part 116.

* * * * *

PART 109—INDEPENDENT EXPENDITURES (2 U.S.C. 431(17), 434(c))

6. The authority citation for part 109 continues to read as follows:

Authority: 2 U.S.C. 431(17), 434(c), 438(a)(8), 441d.

7. 11 CFR part 109 is amended by revising paragraph (b)(4) of section 109.1 to read as follows:

§ 109.1 Definitions (2 U.S.C. 431(17)).

* * * * *

(b) * * *

(4) *Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate*—

(i) Means any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is—

(A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent;

(ii) But does not include providing to the expending person upon request Commission guidelines on independent expenditures.

* * * * *

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

8. The authority citation for part 110 continues to read as follows:

Authority: 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d(a)(8), 438(a)(98), 441a, 441b, 441d, 441e, 441f, 441g and 441h.

9. 11 CFR part 110 is amended by adding new section 110.12 to read as follows:

§ 110.12 Candidate appearances on public educational institution premises.

(a) *Rental of facilities at usual and normal charge.* Any unincorporated public educational institution exempt from federal taxation under 26 U.S.C. 115, such as a school, college or university, may make its facilities available to any candidate or political committee in the ordinary course of business and at the usual and normal charge. In this event, the requirements of paragraph (b) of this section are not applicable.

(b) *Use of facilities at no charge or at less than the usual and normal charge.* An unincorporated public educational institution exempt from federal taxation under 26 U.S.C. 115, such as a school, college or university, may sponsor appearances by candidates, candidates' representatives or representatives of political parties at which such individuals address or meet the institution's academic community or the general public (whichever is invited) on the educational institution's premises at no charge or at less than the usual and normal charge, if:

(1) The educational institution makes reasonable efforts to ensure that the appearances constitute speeches, question and answer sessions, or similar communications in an academic setting, and makes reasonable efforts to ensure that the appearances are not conducted as campaign rallies or events; and

(2) The educational institution does not, in conjunction with the appearance, expressly advocate the election or defeat of any clearly identified candidate(s) or candidates of a clearly identified political party, and does not favor any one candidate or political party over any other in allowing such appearances.

10. 11 CFR part 110 is amended by revising section 110.13 to read as follows:

§ 110.13 Candidate debates.

(a) *Staging organizations.* (1) Nonprofit organizations described in 26 U.S.C. 501 (c)(3) or (c)(4) and which do not endorse, support, or oppose political candidates or political parties may stage candidate debates in accordance with this section and 11 CFR 114.4(f).

(2) Broadcasters, *bona fide* newspapers, magazines and other periodical publications may stage candidate debates in accordance with this section and 11 CFR 114.4(f).

(b) *Debate structure.* The structure of debates staged in accordance with this section and 11 CFR 114.4(f) is left to the discretion of the staging organization(s), provided that:

(1) Such debates include at least two candidates; and

(2) The staging organization(s) does not structure the debates to promote or advance one candidate over another.

(c) *Criteria for candidate selection.* For all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in a debate. For debates held prior to a primary election, caucus or convention, staging organizations may restrict candidate participation to candidates seeking the nomination of one party, and need not stage a debate for candidates seeking the nomination of any other political party or independent candidates.

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

11. The authority citation for part 114 continues to read as follows:

Authority: 2 U.S.C. 431(8)(B), 431(9)(B), 432, 437d(a)(8), 438(a)(8), and 441b.

12. 11 CFR part 114 is amended by revising paragraphs (a)(1), (a)(2) introductory text and (a)(2)(ii), and by adding paragraph (j) to section 114.1 as follows.

§ 114.1 Definitions.

(a) For purposes of part 114 and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 79*1*(h))—

(1) The terms *contribution* and *expenditure* shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, if such loan is made in accordance with 11 CFR 100.7(b)(11)) to any candidate, political

party or committee, organization, or any other person in connection with any election to any of the offices referred to in 11 CFR 114.2 (a) or (b) as applicable.

(2) The terms *contribution* and *expenditure* shall *not* include—

(i) * * *

(ii) Registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel, and their families, or by a labor organization aimed at its members and executive or administrative personnel, and their families, as described in 11 CFR 114.3;

* * * * *

(j) *Restricted class.* A corporation's restricted class is its stockholders and executive or administrative personnel, and their families, and the executive and administrative personnel of its subsidiaries, branches, divisions, and departments and their families. A labor organization's restricted class is its members and executive or administrative personnel, and their families. For communications under 11 CFR 114.3, the restricted class of an incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock is its members and executive or administrative personnel, and their families. (The solicitable class of a membership organization, cooperative, corporation without capital stock or trade association, as described in 11 CFR 114.7 and 114.8, may include some persons who are not considered part of the organization's restricted class, and may exclude some persons who are in the restricted class.)

13. 11 CFR part 114 is amended by revising section 114.2 to read as follows:

§ 114.2 Prohibitions on contributions and expenditures.

(a) National banks and corporations organized by authority of any law of Congress are prohibited from making a contribution, as defined in 11 CFR 114.1(a), in connection with any election to any political office, including local, State and Federal offices, or in connection with any primary election or political convention or caucus held to select candidates for any political office, including any local, State or Federal office. National banks and corporations organized by authority of any law of Congress are prohibited form making expenditures as defined in 11 FR 114.1(a) for communications to those outside the restricted class expressly advocating the election or defeat of one or more clearly identified candidate(s) or the candidates of a clearly identified political party, with respect to an election to any political office, including any local, State or Federal office.

(1) Such national banks and corporations may engage in the activities permitted by 11 CFR part 114, except to the extent that such activity is foreclosed by provisions of law other than the Act.

(2) The provisions of 11 CFR part 114 apply to the activities of a national bank, or a corporation organized by any law of Congress, in connection with local, State and Federal elections.

(b) Any corporation whatever or any labor organization is prohibited from making a contribution as defined in 11 CFR 114.1(a) in connection with any Federal election. Except as provided at 11 CFR 114.10, corporations and labor organizations are prohibited from making expenditures with respect to a Federal election (as defined in 11 CFR 114.1(a)) for communications to those outside the restricted class expressly advocating the election or defeat of one or more clearly identified candidate(s) or the candidates of a clearly identified political party.

(c) Disbursements by corporations and labor organizations for the election-related activities described in 11 CFR 114.3 and 114.4 will not cause those activities to be contributions or expenditures, even when coordinated with any candidate, candidate's agent, candidate's authorized committee(s) or any party committee to the extent permitted in those sections. Coordination beyond that described in 11 CFR 114.3 and 114.4 shall not cause subsequent activities directed at the restricted class to be considered contributions or expenditures. However, such coordination may be considered evidence that could negate the independence of subsequent communications to those outside the restricted class by the corporation, labor organization or its separate segregated fund, and could result in an in-kind contribution. *See* 11 CFR 109.1 regarding independent expenditures and coordination with candidates.

(d) A candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

(e) No officer or director of any corporation or any national bank, and no officer of any labor organization shall consent to any contribution or expenditure by the corporation, national bank, or labor organization prohibited by this section.

(f) *Facilitating the making of contributions.* (1) Corporations and labor organizations (including officers, directors or other representatives acting as agents of corporations and labor organizations) are prohibited from facilitating the making of contributions to candidates or political committees, other than to the separate segregated funds of the corporations and labor organizations. Facilitation means using corporate or labor organization resources or facilities to engage in fundraising activities in connection with any federal election, such as activities which go beyond the limited exemptions set forth in 11 CFR 100.7, 100.8, 114.9(a) through (c) and 114.13. A corporation does not facilitate the making of a contribution to a candidate or political committee if it provides goods or services in the ordinary course of its business as a commercial vendor in accordance with 11 CFR part 116 at the usual and normal charge.

(2) Examples of facilitating the making of contributions include but are not limited to—

(i) Fundraising activities by corporations (except commercial vendors) or labor organizations that involve—

(A) Officials or employees of the corporation or labor organization ordering or directing subordinates or support staff (who therefore are not acting as volunteers) to plan, organize or carry out the fundraising project as a part of their work responsibilities using corporate or labor organization resources, unless the corporation or labor organization receives advance payment for the fair market value of such services;

(B) Failure to reimburse a corporation or labor organization within a commercially reasonable time for the use of corporate facilities described in 11 CFR 114.9(d) in connection with such fundraising activities;

(C) Using a corporate or labor organization list of customers, clients, vendors or others who are not in the restricted class to solicit contributions or distribute invitations to the fundraiser, unless the corporation or labor organization receives advance payment for the fair market value of the list;

(D) Using meeting rooms that are not customarily made available to clubs, civic or community organizations or other groups; or

(E) Providing catering or other food services operated or obtained by the corporation or labor organization, unless the corporation or labor organization receives advance payment for the fair market value of the services;

(ii) Providing materials for the purpose of transmitting or delivering contributions, such as stamps, envelopes addressed to a candidate or political committee other than the

corporation's or labor organization's separate segregated fund, or other similar items which would assist in transmitting or delivering contributions, but not including providing the address of the candidate or political committee;

(iii) Soliciting contributions earmarked for a candidate that are to be collected and forwarded by the corporation's or labor organizations's separate segregated fund, except to the extent such contributions also are treated as contributions to and by the separate segregated fund; or

(iv) Using coercion, such as the threat of a detrimental job action, the threat of any other financial reprisal, or the threat of force, to urge any individual to make a contribution or engage in fundraising activities on behalf of a candidate or political committee.

(3) Facilitating the making of contributions does not include the following activities if conducted by a separate segregated fund—

(i) Any activity specifically permitted under 11 CFR 110.1, 110.2, or 114.5 through 114.8, including soliciting contributions to a candidate or political committee, and making in kind contributions to a candidate or political committee; and

(ii) Collecting and forwarding contributions earmarked to a candidate in accordance with 11 CFR 110.6.

(4) Facilitating the making of contributions also does not include the following activities if conducted by a corporation or labor organization—

(i) Enrolling members of a corporation's or labor organization's restricted class in a payroll deduction plan or check-off system which deducts contributions from dividend or payroll checks to make contributions to the corporation's or labor organization's separate segregated fund or an employee participation plan pursuant to 11 CFR 114.11;

(ii) Soliciting contributions to be sent directly to candidates if the solicitation is directed to the restricted class, *see* 11 CFR 114.1(a)(2)(i); and

(iii) Soliciting contributions earmarked for a candidate that are to be collected and forwarded by the corporation's or labor organization's separate segregated fund, to the extent such contributions also are treated as contributions to and by the separate segregated fund.

14. 11 CFR part 114 is amended by revising section 114.3 to read as follows:

§ 114.3 Disbursements for communications to the restricted class in connection with a Federal election.

(a) *General.* (1) Corporations and labor organizations may make communications on any subject, including communications containing express advocacy, to their restricted class or any part of that class. Corporations and labor organizations may also make the communications permitted under 11 CFR 114.4 to their restricted class or any part of that class. The activities permitted under this section may involve election-related coordination with candidates and political committees. *See* 11 CFR 109.1 and 114.2(c) regarding independent expenditures and coordination with candidates.

(2) Incorporated membership organizations, incorporated trade associations, incorporated cooperatives and corporations without capital stock may make communications to their restricted class, or any part of that class as permitted in paragraphs (a)(1) and (c) of this section.

(b) *Reporting communications containing express advocacy.* Disbursements for communications expressly advocating the election or defeat of one or more clearly identified candidate(s) made by a corporation, including a corporation described in paragraph (a)(2) of this section, or labor organization to its restricted class shall be reported in accordance with 11 CFR 100.8(b)(4) and 104.6.

(c) *Communications containing express advocacy.* Communications containing express advocacy which may be made to the restricted class include, but are not limited to, the examples set forth in paragraphs (c)(1) through (c)(4) of this section.

(1) *Publications.* Printed material expressly advocating the election or defeat of one or more clearly identified candidate(s) or candidates of a clearly identified political party may be distributed by a corporation or by a labor organization to its restricted class, provided that:

(i) The material is produced at the expense of the corporation or labor organization; and

(ii) The material constitutes a communications of the views of the corporation or the labor organization, and is not the republication or reproduction, in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents. A corporation or labor organization may, under this section, use brief quotations from speeches or other materials of a candidate that demonstrate the candidate's position as part of the corporation's or labor organization's expression of its own views.

(2) *Candidate and party appearances.* (i) A corporation may allow a candidate, candidate's representative or party representative to address its restricted class at a meeting, convention or other function of the corporation, but is not required to do so. A labor organization may allow a candidate or party representative to address its restricted class at a meeting, convention, or other function of the labor organization, but is not required to do so. A corporation or labor organization may bar other candidates for the same office or a different office and their representatives, and representatives of other parties addressing the restricted class. A corporation or labor organization may allow the presence of employees outside the restricted class of the corporation or labor organization who are necessary to administer the meeting, other guests of the corporation or labor organization who are being honored or speaking or participating in the event, and representatives of the news media.

(ii) The candidate, candidate's representative or party representative may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the corporation or labor organization be designated for his or her campaign or party. The incidental solicitation of persons outside the corporation's or labor organization's restricted class who may be present at the meeting as permitted by this section will not be a violation of 11 CFR part 114. The candidate's representative or party representative (other than an officer, director or other representative of a corporation or official, member or employee of a labor organization) or the candidate, may accept contributions before, during or after the appearance at the meeting, convention or other function of the corporation or labor organization.

(iii) The corporation or labor organization may suggest that members of its restricted class contribute to the candidate or party committee, but the collection of contributions by any officer, director or other representative of the corporation or labor organization before, during, or after the appearance while at the meeting, is an example of a prohibited facilitation of contributions under 11 CFR 114.2(f).

(iv) If the corporation or labor organization permits more than one candidate for the same office, or more than one candidate's representative or party representative, to address its restricted class, and permits the news

media to cover or carry an appearance by one candidate or candidate's representative or party representative, the corporation or labor organization shall also permit the news media to cover or carry the appearances by the other candidate(s) for that office, or the other candidates' representatives or party representatives. If the corporation or labor organization permits a representative of the news media to cover or carry a candidate or candidate's representative or party representative appearance, the corporation or labor organization shall provide all other representatives of the news media with equal access for covering or carrying that appearance. Equal access is provided by—

(A) Providing advance information regarding the appearance to the representatives of the news media whom the corporation or labor organization customarily contacts and other representatives of the news media upon request; and

(B) Allowing all representatives of the news media to cover or carry the appearance, through the use of pooling arrangements if necessary.

(3) *Phone banks.* A corporation or a labor organization may establish and operate phone banks to communicate with its restricted class, urging them to register and/or vote for a particular candidate or candidates, or to register with a particular political party.

(4) *Registration and get-out-the-vote drives.* A corporation or a labor organization may conduct registration and get-out-the-vote drives aimed at its restricted class. Registration and get-out-the-vote drives include providing transportation to the place of registration and to the polls. Such drives may include communications containing express advocacy, such as urging individuals to register with a particular party or to vote for a particular candidate or candidates. Information and other assistance regarding registering or voting, including transportation and other services offered, shall not be withheld or refused on the basis of support for or opposition to particular candidates, or a particular political party.

15. 11 CFR part 114 is amended by revising section 114.4 to read as follows:

§ 114.4 Disbursements for communications beyond the restricted class in connection with a Federal election.

(a) *General.* A corporation or labor organization may communicate beyond the restricted class in accordance with this section. Any communications which a corporation or labor organization may make to the general public under paragraph (c) of this section may also be made to the corporation's or labor organization's restricted class and to other employees and their families. Communications which a corporation or labor organization may make only to its employees (including its restricted class) and their families, but not to the general public, are found in paragraph (b) of this section. Communications which a corporation or labor organization may make only to its restricted class are found at 11 CFR 114.3. The activities permitted under paragraphs (b) and (c) of this section may involve election-related coordination with candidates and political committees only to the extent permitted by this section. *See* 11 CFR 109.1 and 114.2(c) regarding independent expenditures and coordination with candidates. Incorporated membership organizations, incorporated trade associations, incorporated cooperatives and corporations without capital stock will be treated as corporations for the purpose of making communications beyond the restricted class under this section.

(b) *Communications by a corporation or labor organization to employees beyond its restricted class*— (1) *Candidate and party appearances on corporate premises or at a meeting, convention or other function.* Corporations may permit candidates, candidates' representatives or representatives of political parties on corporate premises or at a meeting, convention, or other function of the corporation to address or meet its restricted class and other employees of the corporation and their families, in accordance with the conditions set forth in paragraphs (b)(1)(i) through (b)(1)(viii) of this section. Other guests of the corporation who are being honored or speaking or participating in the event and representatives of the news media may be present. A corporation may bar all candidates, candidates' representatives and representatives of political parties from addressing or meeting its restricted class and other employees of the corporation and their families on corporate premises or at any meeting, convention or other function of the corporation.

(i) If a candidate for the House or Senate or a candidate's representative is permitted to address or meet employees, all candidates for that seat who request to appear must be given a similar opportunity to appear;

(ii) If a Presidential or Vice Presidential candidate or candidate's representative is permitted to address or meet employees, all candidates for that office who are seeking the nomination or election, and who meet pre-established objective criteria under 11 CFR 110.13(c), and who request to appear must be given a similar opportunity to appear;

(iii) If representatives of a political party are permitted to address or meet employees, representatives of all political parties which had a candidate or candidates on the ballot in the last general election or which are actively engaged in placing or will have a candidate or candidates on the ballot in the next general election and who request to appear must be given a similar opportunity to appear;

(iv) The candidate's representative or party representative (other than an officer, director or other representative of a corporation) or the candidate, may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the corporation be designated for his or her campaign or party. The candidate, candidate's representative or party representative shall not accept contributions before, during or after the appearance while at the meeting, convention or other function of the corporation, but may leave campaign materials or envelopes for members of the audience. A corporation, its restricted class, or other employees of the corporation or its separate segregated fund shall not, either orally or in writing, solicit or direct or control contributions by members of the audience to any candidate or party in conjunction with any appearance by any candidate or party representative under this section, and shall not facilitate the making of contributions to any such candidate or party (see 11 CFR 114.2(f));

(v) A corporation or its separate segregated fund shall not, in conjunction with any candidate, candidate representative or party representative appearance under this section, expressly advocate the election or defeat of any clearly identified candidate(s) or candidates of a clearly identified political party and shall not promote or encourage express advocacy by employees;

(vi) No candidate, candidate's representative or party representative shall be provided with more time or a substantially better location than other candidates, candidates' representatives or party representatives who appear, unless the corporation is able to demonstrate that it is clearly impractical to provide all candidates, candidates' representatives and party representatives with similar times or locations;

(vii) Coordination with each candidate, candidate's agent, and candidate's authorized committee(s) may include discussions of the structure, format and timing of the candidate appearance and the candidate's positions on issues, but shall not include discussions of the candidate's plans, projects, or needs relating to the campaign; and

(viii) Representatives of the news media may be allowed to be present during a candidate, candidate representative or party representative appearance under this section, in accordance with the procedures set forth at 11 CFR 114.3(c)(2)(iv).

(2) *Candidate and party appearances on labor organization premises or at a meeting, convention or other function.* A labor organization may permit candidates, candidates' representatives or representatives of political parties on the labor organization's premises or at a meeting, convention, or other function of the labor organization to address or meet its restricted class and other employees of the labor organization, and their families, in accordance with the conditions set forth in paragraphs (b)(1)(i) through (iii), (vi) through (viii), and paragraphs (b)(2) (i) and (ii) of this section. Other guests of the labor organization who are being honored or speaking or participating in the event and representatives of the news media may be present. A labor organization may bar all candidates, candidates' representatives and representatives of political parties from addressing or meeting its restricted class and other employees of the labor organization and their families on the labor organization's premises or at any meeting, convention or other function of the labor organization.

(i) The candidate's representative or party representative (other than an official, member or employee of a labor organization) or the candidate, may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the labor organization be designated for his or her campaign or party. The candidate, candidate's representative or party representative shall not accept contributions before, during or after the appearance while at the meeting, convention or other function of the labor organization, but may leave campaign materials or envelopes for members of the audience. No official, member, or employee of a labor organization or its separate segregated fund shall, either orally or in writing, solicit or direct or control contributions by members of the audience to any candidate or party representative under this section, and shall not facilitate the making of contributions to any such candidate or party. See 11 CFR 114.2(f).

(ii) A labor organization or its separate segregated fund shall not, in conjunction with any candidate or party representative appearance under this section, expressly advocate the election or defeat of any clearly identified candidate(s), and shall not promote or encourage express advocacy by its members or employees.

(c) Communications by a corporation or labor organization to the general public.

(1) *General.* A corporation or labor organization may make the communications described in paragraphs (c)(2) through (c)(5) of this section to the general public. The general public includes anyone who is not in the corporation's or labor organization's restricted class. The provisions of paragraph (c) of this section shall not prevent a qualified nonprofit corporation under 11 CFR 114.10(c) from including express advocacy in any communication made to the general public under paragraphs (c)(2) through (c)(5)(i) of this section.

(2) *Registration and voting communications.* A corporation or labor organization may make registration and get-out-the vote communications to the general public, provided that the communications do not expressly advocate the election or defeat of any clearly identified candidate(s) or candidates of a clearly identified political party. The preparation and distribution or registration and get-out-the-vote communications shall not be coordinated with any candidate(s) or political party. A corporation or labor organization may make communications permitted under this section through posters, billboards, broadcasting media, newspapers, newsletter, brochures, or similar means of communication with the general public.

(3) *Official registration and voting information.*

(i) A corporation or labor organization may distribute to the general public, or reprint in whole and distribute to the general public, any registration or voting information, such as instructional materials, which has been produced by the official election administrators.

(ii) A corporation or labor organization may distribute official registration-by-mail forms to the general public. A corporation or labor organization may distribute absentee ballots to the general public if permitted by the applicable State law.

(iii) A corporation or labor organization may donate funds to State or local government agencies responsible for the administration of elections to help defray the costs of printing or distributing registration or voting information and forms.

(iv) The corporation or labor organization shall not, in connection with any such distribution, expressly advocate the election or defeat of any clearly identified candidate(s) or candidates of a clearly identified political party and shall not encourage registration with any particular political party.

(v) The reproduction and distribution of registration or voting information and forms shall not be coordinated with any candidate(s) or political party.

(4) *Voting records.* A corporation or labor organization may prepare and distribute to the general public the voting records of Members of Congress, provided that the voting record and all communications distributed with it do not expressly advocate the election or defeat of any clearly identified candidate, clearly identified group of candidates or candidates of a clearly identified political party. The decision on content and the distribution of voting records shall not be coordinated with any candidate, group of candidates or political party.

(5) *Voter guides.* A corporation or labor organization may prepare and distribute to the general public voter guides consisting of two or more candidates' positions on campaign issues, including voter guides obtained from a nonprofit organization which is described in 26 U.S.C. 501 (c)(3) or (c)(4), provided that the voter guides comply with either paragraph (c)(5)(i) or (c)(5)(ii) (A) through (E) of this section. The sponsor may include in the voter guide biographical information on each candidate, such as education, employment positions, offices held, and community involvement.

(i) The corporation or labor organization shall not contact or in any other way act in cooperation, coordination, or consultation with or at the request or suggestion of the candidates, the candidates' committees or agents regarding the preparation, contents and distribution of the voter guide, and no portion of the voter guide may expressly advocate the election or defeat of one or more clearly identified candidate(s) or candidates of any clearly identified political party.

(ii) (A) The corporation or labor organization shall not contact or in any other way act in cooperation, coordination, or consultation with or at the request or suggestion of the candidates, the candidates' committees or agents regarding the preparation, contents and distribution of the voter

guide, except that questions may be directed in writing to the candidates included in the voter guide and the candidates may respond in writing;

(B) All of the candidates for a particular seat or office shall be provided an equal opportunity to respond, except that in the case of Presidential and Vice Presidential candidates the corporation or labor organization may choose to direct the questions only to those candidates who—

(*1*) Are seeking the nomination of a particular political party in a contested primary election; or

(*2*) Appear on the general election ballot in the state(s) where the voter guide is distributed or appear on the general election ballot in enough states to win a majority of the electoral votes;

(C) No candidate may receive greater prominence in the voter guide than other participating candidates, or substantially more space for responses;

(D) The voter guide and its accompanying materials shall not contain an electioneering message; and

(E) The voter guide and its accompanying materials shall not score or rate the candidates' responses in such a way as to convey an electioneering message.

(6) *Endorsements.* A corporation or labor organization may endorse a candidate and may communicate the endorsement to its restricted class through the publications described in 11 CFR 114.3(c)(1) or during a candidate appearance under 11 CFR 114.3(c)(2), provided that no more than a de minimis number of copies of the publication which includes the endorsement are circulated beyond the restricted class. The corporation or labor organization may publicly announce the endorsement and state the reasons therefor, in accordance with the conditions set forth in paragraphs (c)(6)(i) and (ii) of this section. The Internal Revenue Code and regulations promulgated thereunder should be consulted regarding restrictions or prohibitions on endorsements by nonprofit corporations described in 26 U.S.C. 501(c)(3).

(i) The public announcement of the endorsement may be made through a press release and press conference. Disbursements for the press release and press conference shall be de minimis. The disbursements shall be considered de minimis if the press release and notice of the press conference is distributed only to the representatives of the news media that the corporation or labor organization customarily contacts when issuing non-political press releases or holding press conferences for other purposes.

(ii) The public announcement of the endorsement may not be coordinated with the candidate, the candidate's agents or the candidate's authorized committee(s).

(7) *Candidate appearances on educational institution premises*—(i) *Rental of facilities at usual and normal charge.* Any incorporated nonprofit educational institution exempt from federal taxation under 26 U.S.C. 501(c)(3), such as a school, college or university, may make its facilities available to any candidate or political committee in the ordinary course of business and at the usual and normal charge. In this event, the requirements of paragraph (c)(7)(ii) of this section are not applicable.

(ii) *Use of facilities at no charge or at less than the usual and normal charge.* An incorporated nonprofit educational institution exempt from federal taxation under 26 U.S.C. 501(c)(3), such as a school, college or university, may sponsor appearances by candidates, candidates' representatives or representatives of political parties at which such individuals address or meet the institution's academic community or the general public (whichever is invited) on the educational institution's premises at no charge or at less than the usual and normal charge, if:

(A) The educational institution makes reasonable efforts to ensure that the appearances constitute speeches, question and answer sessions, or similar communications in an academic setting, and makes reasonable efforts to ensure that the appearances are not conducted as campaign rallies or events; and

(B) The educational institution does not, in conjunction with the appearance, expressly advocate the election or defeat of any clearly identified candidate(s) or candidates of a clearly identified political party, and does not favor any one candidate or political party over any other in allowing such appearances.

(d) *Registration and get-out-the-vote drives.* A corporation or labor organization may support or conduct voter registration and get-out-the-vote drives which are aimed at employees outside its restricted class and the general public in accordance with the conditions set forth in paragraphs (d)(1) through (d)(6) of this section. Registration and get-out-the-vote drives include providing transportation to the polls or to the place of registration.

(1) The corporation or labor organization shall not make any communication expressly advocating the election or defeat of any clearly identified candidate(s) or candidates of a clearly identified political party as part of the voter registration or get-out-the-vote drive.

(2) The registration or get-out-the-vote drive shall not be coordinated with any candidate(s) or political party.

(3) The registration drive shall not be directed primarily to individuals previously registered with, or intending to register with, the political party favored by the corporation or labor organization. The get-out-the-vote drive shall not be directed primarily to individuals currently registered with the political party favored by the corporation or labor organization.

(4) These services shall be made available without regard to the voter's political preference. Information and other assistance regarding registering or voting, including transportation and other services offered, shall not be withheld or refused on the basis of support for or opposition to particular candidates or a particular political party.

(5) Individuals conducting the registration or get-out-the-vote drive shall not be paid on the basis of the number of individuals registered or transported who support one or more particular candidates or political party.

(6) The corporation or labor organization shall notify those receiving information or assistance of the requirements of paragraph (d)(4) of this section. The notification shall be made in writing at the time of the registration or get-out-the-vote drive.

(e) *Incorporated membership organizations, incorporated trade associations, incorporated cooperatives and corporations without capital stock.* An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may permit candidates, candidates' representatives or representatives of political parties to address or meet members and employees of the organization, and their families, on the organization's premises or at a meeting, convention or other function of the organization, in accordance with the conditions set forth in paragraphs (b)(1)(i) through (viii) of this section.

(f) *Candidate debates.* (1) A nonprofit organization described in 11 CFR 110.13(a)(1) may use its own funds and may accept funds donated by corporations or labor organizations under paragraph (f)(3) of this section to defray costs incurred in staging candidate debates held in accordance with 11 CFR 110.13.

(2) A broadcaster, *bona fide* newspaper, magazine or other periodical publication may use its own

funds to defray costs incurred in staging public candidate debates held in accordance with 11 CFR 110.13.

(3) A corporation or labor organization may donate funds to nonprofit organizations qualified under 11 CFR 110.13(a)(1) to stage candidate debates held in accordance with 11 CFR 110.13 and 114.4(f).

16. 11 CFR part 114 is amended by revising the title of section 114.12, and by removing and reserving paragraph (b) of section 114.12 to read as follows:

§ 114.12 Incorporation of political committees; Payment of fringe benefits.

* * * * *

(b) [Reserved]

* * * * *

17. 11 CFR part 114 is amended by adding section 114.13 to read as follows:

§ 114.13 Use of meeting rooms.

Notwithstanding any other provisions of part 114, a corporation or labor organization which customarily makes its meeting rooms available to clubs, civic or community organizations, or other groups may make such facilities available to a political committee or candidate if the meeting rooms are made available to any candidate or political committee upon request and on the same terms given to other groups using the meeting rooms.

Dated: December 8, 1995.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 95–30381 Filed 12–13–95; 8:45 am]

BILLING CODE 6715–01–M

federal register

Thursday
December 14, 1995

Part V

Environmental Protection Agency

40 CFR Part 156

Worker Protection Standard; Labeling Revisions Required for Pesticide Products Within the Scope of the Worker Protection Standard; Policy Statement; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 156

[OPP–250111; FRL–4988–5]

Worker Protection Standard; Labeling Revisions Required for Pesticide Products within the Scope of the Worker Protection Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy Statement.

SUMMARY: EPA is issuing a final policy statement on labeling revisions required by the Worker Protection Standard (WPS) for sale or distribution of certain agricultural pesticides after October 23, 1995. This policy addresses pesticide products that are within the scope of the WPS, do not bear full WPS labeling, and are being sold or distributed by any person, other than the registrant. Certain statements are required to be placed on the labeling of all pesticide products within the scope of the WPS. These statements reference the WPS and certain practices intended to reduce or eliminate human exposure to pesticides. In most instances, these statements were required to appear on all WPS products by April 21, 1994. Wholesalers and dealers may have stocks of product that do not have WPS complying labeling. This policy presents options for the registrant to relabel the product or authorize the person(s) holding the product for distribution or sale to relabel the product. This policy statement does not apply to growers, custom applicators, or other persons holding product for their own use, unless they also distribute and sell pesticides or are registrants.

EFFECTIVE DATE: This policy became effective on September 28, 1995. The contents of this statement were issued on September 28, 1995, as Pesticide Regulation (PR) Notice 95-5.

FOR FURTHER INFORMATION CONTACT: James Tompkins, Office of Pesticide Programs (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Highway, Crystal Mall #2, Rm. 239, Arlington, VA, 703–305–5697, e-mail: tompkins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Agency is issuing a final policy statement that allows registrants or their authorized representatives that sell or distribute pesticides to relabel non-complying pesticide products in their possession. The policy provides examples of mechanisms to bring labels into compliance with WPS requirements, so that such products may be legally sold and distributed after October 23, 1995. The required actions for registrants, wholesalers, and retailers to relabel products are discussed to aid compliance with the policy. All products within the scope of WPS must bear final, printed WPS replacement labeling after October 23, 1996. Except for products that have been canceled, products accompanied only by generic supplemental labeling, as outlined in PR Notice 93–11, are not considered labeled in compliance with the WPS provisions after October 23, 1995.

I. Summary of the Policy

EPA will permit registrants or their authorized representatives to relabel non-complying stocks of products that do not bear full WPS labeling. Under this policy, the registrant has the option to either relabel the product or provide written authorization to the person(s) holding the product for distribution or sale to relabel the product. Both the registrant and the person(s) holding such pesticides are responsible for relabeling these products in accordance with the WPS and this policy statement. This policy statement does not apply to growers, custom applicators, or other persons holding products for their own use, unless they also distribute and sell pesticides or are registrants.

Using the decision diagram presented in this policy statement, registrants may determine if they hold non-complying products that require amended labeling. If a product requires amended labeling, the registrant may conduct or provide written authorization for wholesalers or retailers to do relabeling, and provide product-specific WPS labeling. Options for amended labeling include: a final printed WPS-complying replacement label and supplemental product-specific labeling. Supplemental labeling must be provided to the end-user whenever the product is offered for sale and a ''STOP sticker'' is affixed to the existing label. Pesticide-specific relabeling may occur at any site without registration of the site as a pesticide-producing establishment. Under the provisions of this policy, relabeling of stocks of products with non-complying labels may be carried out by person(s) acting under the authority of the registrant as an ''authorized agent'' of the registrant. The policy also addresses how to revise labels of orphaned and deleted use products, products that have been transferred, and dormant products.

II. Background

The 1992 WPS requires that certain statements be placed on the labeling of all pesticide products within the scope of the standard. These statements reference the WPS and certain practices intended to reduce or eliminate human exposure to pesticides. The WPS also established a schedule for meeting these labeling requirements. The schedule required that, by April 21, 1994, all registrants of pesticides covered by the WPS had to amend product labeling in accordance with PR Notice 93-7 and 93-11. Most products sold or distributed by registrants since April 21, 1994, should have WPS-complying labeling. In some instances, wholesalers and retailers may have stocks of products that do not have WPS complying labeling. These stocks could have originated from these sources: (1) Products shipped by registrants before the April 21, 1994 date; (2) products distributed or sold by registrants under the ''released for shipment'' option allowed under PR Notice 93-11; or, (3) ''deleted use'' products, for which the registrant has amended the registration to delete certain uses and these deletions place the product outside the scope of the WPS. After April 21, 1994, under the ''release for shipment'' option, registrants could sell or distribute products without the WPS label if the registrant agreed to either recall and relabel, or relabel products at wholesaler sites through an ''authorized agent'' by April 1996.

The WPS provides that any person other than a registrant (e.g., pesticide retailers or wholesalers) who has under their ownership, custody or control existing stock of product that is within the scope of the WPS, but does not bear WPS labeling, may *not* legally sell or distribute the product after October 23, 1995. The primary purpose of this policy statement is to describe the process for relabeling to bring products into compliance.

III. Definitions

The following definitions apply for the purposes of this policy statement:

Distribute or sell means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. The term does not include the holding or application of registered pesticides or use dilutions thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served.

Label means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

Labeling means all labels and all other written, printed, or graphic matter (a) accompanying the pesticide or device; or (b) to which reference is made on the label or in literature accompanying the pesticide or device.

Registrant means any person who has registered any pesticide pursuant to the provisions in FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act).

Retailer means any person, other than a registrant, who distributes or sells pesticides to end-users.

Wholesaler means any person, other than a registrant, who distributes or sells pesticides to persons other than end-users.

IV. Policy Provisions

A. Recognition of Product Labels Requiring Amendment to Comply With WPS

If a product has labeling required under the WPS, the labeling will have an Agricultural Use Requirements box and can be sold or distributed after October 23, 1995, without further action. Products accompanied only by generic supplemental labeling as outlined in PR Notice 93-11 are not considered labeled in compliance with the WPS provisions after October 23, 1995. Products that do bear complying WPS labeling include those relabeled in accordance with Supplement D of PR Notice 93-11 (by using a sticker or similar modification to an existing label and full product-specific labeling referenced by the sticker). An example of an Agricultural Use Requirements box follows:

AGRICULTURAL USE REQUIREMENTS

Use this product in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions for exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:
Chemicals over long-sleeved shirt and long pants
Chemical-resistant gloves such as barrier laminate or viton
Chemical-resistant footwear plus socks
Protective eyewear
Chemical-resistant headgear for overhead exposure

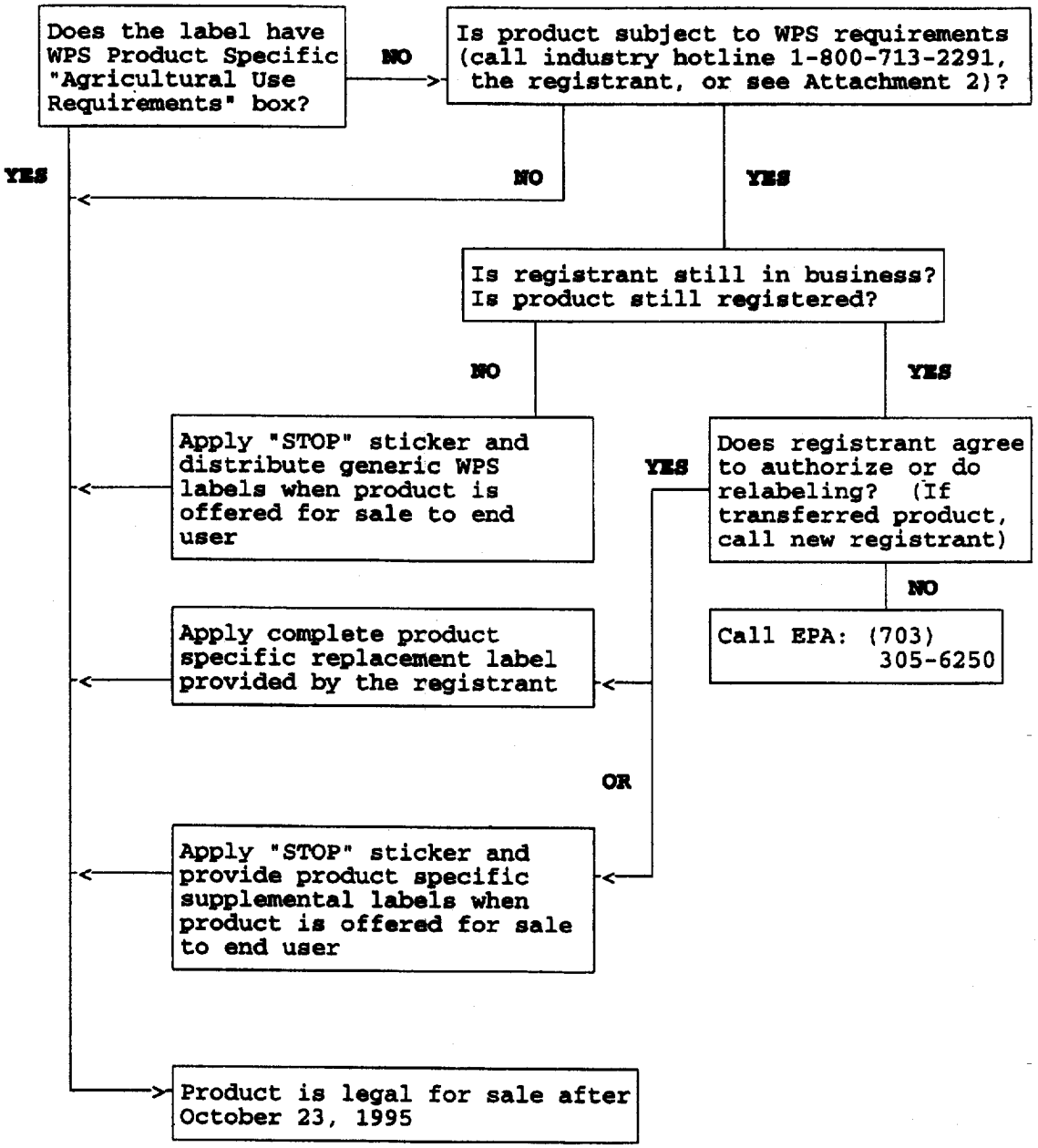
Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

If a product label does not have an Agricultural Use Requirements box, it is necessary to determine whether the product is within the scope of the WPS and, therefore, requires WPS labeling. In some instances, it may be easy to identify a product that requires WPS labeling; the newest shipment of containers of the same product may bear the following: (1) Labeling with an Agricultural Use Requirements box that refers to the WPS; or (2) stickers referring to supplemental replacement labeling which contains such an Agricultural Use Requirements box.

The Agricultural Use Requirements box references the WPS and requires certain practices intended to reduce or eliminate worker and handler exposure from pesticides. The box includes restricted entry intervals, personal protective equipment and the notification requirement for pesticide-treated areas. Retailers and wholesalers may determine whether modifying a product label is necessary by calling the registrant of the product or by using the following diagram and criteria presented in Section B to evaluate each product. For additional assistance, contact the industry-sponsored ''WPS Task Force'' at 1–800–713–2291.

BILLING CODE 6560–50–F

WPS RELABELING PROCESS FOR RETAILERS AND WHOLESALERS



BILLING CODE 6560–50–C

B. Scope Criteria and Determining WPS Applicability to Individual Products

In PR Notice 93-7, registrants were to answer a series of questions to determine if their product fell within the scope of WPS. To determine whether pesticide products fall within the scope of this policy (i.e. those that do not already bear labeling containing WPS requirements in an Agricultural Use Requirements box), the following questions must be answered:

Begin here for each product:

1. Does the labeling contain directions for application to:

- Plants grown to produce food, feed, or fiber?
- Turfgrass?
- Ornamental plants, trees, or shrubs?
- Plants grown to produce seedlings or transplants?
- Plants grown to produce cut flowers or cut ferns?
- Trees grown to produce timber?
- Areas where any such plants are growing?
- Areas where such plants will soon be grown (i.e., pre-plant or at-plant application)?
- Areas from which such plants have just been harvested?

If you answered ''Yes'' to any of these questions, this product may be within the scope of this policy. Go on to question 2.

If you answered ''No'' to all of these questions, this product is *not* within the scope of this policy statement. Begin again with question 1 for your next product.

2. Does the labeling explicitly limit application *only* to plants intended for aesthetic purposes or climate modification and growing in interior plantscapes, ornamental gardens or parks, or on golf courses or lawns and grounds?

If you answered ''Yes'' to this question, this product is *not* within the scope of this policy statement. Begin again with question 1 for the next product.

If you answered ''No'' to this question, this product may be within the scope of this policy statement.

Go on to question 3.

3. Does the labeling explicitly limit uses *only* to those *not* directly related to the production of food, feed, fiber, timber, turfgrass, or ornamentals, such as the following:

- Use on pasture or rangeland?
- Use on rights-of-way or other non-crop areas?
- Use for structural pest control?
- Use for mosquito abatement, Mediterranean fruit fly eradication, or in other wide-area government-sponsored pest control programs?

If you answered ''Yes'' to this question, this product is *not* within the scope of this policy. Begin again with question 1 for the next product.

If you answered ''No'' to this question, this product may be within the scope of this policy. Go on to question 4.

4. Does the labeling contain directions only for one or more of the following:

- Control of vertebrate pests?
- Use as an attractant in traps?
- Use on the portions of agricultural plants that have been harvested, including harvested timber?
- Application using a point-source pheromone dispenser of a size easily retrieved from the field, such as a ''twist-tie''?

If you answered ''Yes'' to this question, this product is *not* within the scope of this notice. Begin again with question 1 for the next product.

If you answered ''No'' to this question, this product may be within the scope of this policy. Go on to question 5.

5. Is the product labeled *primarily* for use in production of plants in homes, home flower or vegetable gardens, home lawns, or home greenhouses? Answer ''yes'' to this question only if the current labeling meets *all* the following tests:

a. The labeling indicates that the product is intended for use in or around the home, home flower or vegetable garden, home lawn, or home greenhouse.

b. The labeling does *not* include any of the following directions or phrases:

- Skull and crossbones symbol and word ''Poison.''
- A requirement for users to wear a respirator.
- A requirement for users to wear chemical-resistant, waterproof, or liquid-proof suits or coveralls or ''rainsuits.''
- The phrase ''for professional use.''
- The phrase ''for commercial use.''
- Directions for use on farms, sod farms, forests, nurseries, or greenhouses except home greenhouses.
- Directions for use including the phrases ''for crop production'' or ''for sod production.''
- Application rates expressed per acre.
- Dilution rates expressed per hundred gallons.
- Directions for application by aerial, ground-boom, airblast, or other motor-driven vehicles or equipment.
- Directions for use of a ''surfactant,'' ''buffer,'' or ''adjuvant,'' using those words.
- Any reference to chemigation.
- Directions for mechanical agitation.
- Instructions or restrictions concerning livestock grazing.

c. The product is packaged in a container holding no more than 40 pounds if the product is a solid, or 2 gallons if it is a liquid, or 2 pounds if it is an aerosol.

If all three tests (5a, 5b, 5c) above are fully satisfied, this product is *not* within the scope of this policy. Begin again with question 1 for the next product.

If any of these three tests is *not* fully satisfied, this product is within the scope of this policy statement. (If the product does not satisfy all these three tests but you believe it is nonetheless intended primarily for home use or is otherwise limited to use on plants grown for other than commercial or research purposes, check with the registrant. Start again with question 1 for the next product.

C. Registrant Responsibilities in the Revision of Product Labels to Comply with the WPS

Registrants must conduct or authorize any relabeling. If a retailer or wholesaler will relabel products, the registrant must provide a written authorization and provide product-specific WPS labeling.

In conducting or authorizing relabeling, registrants are responsible for ensuring that relabeling of non-complying products takes place in accordance with the WPS and this policy statement. They may choose to conduct relabeling by recalling the product and relabeling with final printed replacement labeling at a registered establishment or relabeling at the location of the product; or authorize a wholesaler or retailer to relabel in accordance with this policy. Options and required specifications for relabeling are outlined in Unit IV.F. of this document.

The registrant must provide a written authorization to any wholesaler or retailer who agrees to relabel non-complying products. The authorization should outline the specific roles of the retailer, wholesaler, and registrant in relabeling. Registrants are fully responsible for ensuring that labeling modifications are carried out correctly by any person or company they authorize. Any limitations on who may be authorized to carry out relabeling under this policy statement must be explicit in the authorization document. The authorization cannot change the responsibilities of any of the parts of terms of this policy statement. Any relabeling of products with WPS labels must be done in cooperation with all involved parties and under the written authorization of the registrant.

The registrant must provide labeling to those they authorize to conduct

relabeling. The labeling must comply with the WPS and this policy statement. This also includes ''STOP stickers'' if supplemental labeling is used. A description and specifications for the ''STOP stickers'' are given in Unit IV.F. of this document.

D. Wholesaler Revision of Product Labels to Comply with the WPS

Wholesalers must take the following actions in order to revise product labels to comply with the WPS: gain registrant authorization for any relabeling at the wholesaler establishment, and distribute non-complying products only as permitted by this policy statement. Wholesalers may use industry-sponsored assistance to identify which specific products require WPS-complying labels.

Wholesalers may gain registrant authorization for relabeling at the wholesaler establishment. The registrant may authorize a wholesaler, retailer or other person(s) to perform relabeling. Any relabeling of products must be performed under the written authorization of the registrant. If the registrant will not perform relabeling or authorize the wholesaler or another party to relabel, the wholesaler should contact EPA's Registration Division (703–305–6250) for instructions on how to proceed with these products. Wholesalers must follow the options and required specifications for relabeling in this policy statement.

Wholesalers must not distribute non-complying products, except as permitted by this policy statement. Products within the scope of the WPS that do not bear WPS labeling may not be legally distributed or sold after October 23, 1995. This policy statement, however, allows the wholesaler to ship non-complying product prior to relabeling, if the following conditions are satisfied: (1) The wholesaler has notified and obtained agreement of the receiving person(s) to ensure that WPS relabeling will occur before the product is ''offered for sale'' or distribution to the end user; and, (2) the registrant will either conduct or has authorized relabeling. For the purposes of this policy statement, pesticides are considered ''offered for sale'' whenever they are available in areas accessible to customers, unless they are clearly identified as products that may not be sold until relabeled.

Industry-sponsored assistance is available to wholesalers in order to bring products into compliance with WPS. Wholesalers may contact the ''WPS Task Force'' at 1–800–713–2291. This service will help identify which specific products are covered by the WPS and need WPS-complying labeling and distribute ''STOP stickers'' and required WPS supplemental labeling for registrants participating in the service. Other requests will be referred to other organizations.

E. Retailer Responsibilities in Revision of Product Labels to Comply with the WPS

Retailers must take the three following actions in order to bring products into compliance with WPS: do not offer for sale or distribute any non-complying products after October 23, 1995. Retailers must obtain registrant written authorization for relabeling at the retailer establishment. Retailers may use industry-sponsored assistance to bring products into compliance.

Retailers must not offer for sale products that do not comply with the WPS after October 23, 1995, except as allowed by this policy statement. This policy statement allows products to be relabeled under certain specifications prior to being ''offered for sale.'' For the purposes of this policy statement, pesticides are considered ''offered for sale'' whenever they are available in areas accessible to customers, unless they are clearly identified as products that may not be sold until relabeled.

Retailers may gain registrant authorization for relabeling at the wholesaler establishment. The registrant may authorize a wholesaler, retailer or other person(s) to perform relabeling. Any relabeling of products must be performed under the written authorization of the registrant. If the registrant will not perform relabeling or authorize the retailer or another party to relabel, the retailer should contact EPA's Registration Division (703–305–6250) for instructions on how to proceed with these products. Retailers must follow the options and required specifications for relabeling in this policy statement.

Industry-sponsored assistance is available to retailers in order to bring products into compliance with WPS. Retailers may contact the ''WPS Task Force'' at 1–800–713–2291. This service will help identify which specific products are covered by the WPS and need WPS-complying labeling and distribute ''STOP stickers'' and required WPS supplemental labeling for registrants participating in the service. Other requests will be referred to other organizations.

F. Options for Relabeling

The following options apply to the majority of products covered by this policy statement, i.e. stocks of registered products subject to WPS which lack required WPS labeling. The options available to bring non-complying product labels into compliance are: final printed WPS-complying replacement labeling and supplemental product-specific labeling with ''STOP stickers.'' Other products, referred to as ''Special Products,'' are described and discussed in Unit IV.H. of this document.

1. *Final printed WPS-complying replacement labeling.* Products may be relabeled by replacing existing labels and labeling with final printed WPS-complying replacement labeling that is securely affixed to the pesticide container. The final printed WPS-complying replacement labeling must be supplied by the registrant of the product. Such labeling must be printed or affixed to the product package. If affixed, it must be difficult to remove without residue or damage to the underlying packaging or labeling it is replacing. If final printed replacement labeling is used, it must meet the above standards as well as those required in the WPS.

Replacement labeling could also be designed only to modify existing labeling by adding the required WPS labeling statements without replacing the entire existing labeling. Although we do not expect this option to be used often, it may provide additional flexibility. If this option is chosen, the replacement labeling must be designed and affixed in such a way that it will not alter or obscure the other portions of the label text that remain unchanged. Under this option, an additional supplement containing WPS requirements cannot be developed. Additionally, replacement labeling must be affixed in such a manner that any existing labeling statements or requirements that are superseded by WPS requirements are no longer visible so there is no confusion as to the appropriate use restrictions for the end user.

If the product bears existing labeling on both an outer packaging or supplement and an immediate container, the replacement labeling must be affixed to both. For inner water soluble packages, the outer package, but not the immediate container, will require replacement labeling.

2. *Supplemental product-specific labeling.* Alternatively, products may be relabeled by using supplemental product-specific labeling that is provided when the product is offered for sale to the end user, provided that a ''STOP sticker'' is affixed to the label and the sticker meets the requirements as specified below. The supplemental product-specific labeling must be supplied by the registrant of the product.

a. Format of supplemental product-specific labeling.—Supplemental labeling can be presented in two formats:

1. Single-product supplement that contains labeling information for only the specific product the end-user is buying. This labeling must display the (1) full text of current product labeling, or (2) partial text that includes complete WPS-complying labeling (as EPA accepted or registrant-verified). An example of a single-product supplement follows the supplemental labeling specification discussion in Unit IV.F.2.b. of this document.

2. Multi-product supplement that contains labeling information for all products for a specific registrant. WPS information required to appear on all product labels may appear in the brochure only once, along with product-specific WPS information presented for each product covered by the brochure. This option is *not* available for fumigant products because of the specialized nature of the fumigant label. An example of a brochure follows the supplemental labeling specification discussion in Unit IV.F.2.b. of this document.

b. Supplemental product-specific labeling specifications.—Supplemental replacement labeling must meet the following specifications:

- Title. The supplemental labeling must prominently bear the words ''SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS'' at the top of the first page or be in a pouch prominently displaying the words ''SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS,'' attached to the container.

- Content. Supplemental labeling can be presented in a single product supplement or a multi-product brochure.

Single-product supplements include labeling information for only the product the end-user is buying. These supplements will contain either: (1) The full text of current product labeling, or (2) the partial text that includes only the complete WPS product labeling information, a contact phone number for the registrant, and no information unrelated to the products' labeling. An example of a single-product supplement follows:

SINGLE-PRODUCT, PRODUCT-SPECIFIC

(Example)

''Supplemental Labeling With Worker Protection Requirements''

Product Name, Company Name, EPA Reg. No.
For compliance with the Worker Protection Standard (40 CFR Part 170).
Important: This supplemental labeling does not apply (1) to soil or space fumigant products, (2) to products containing ethyl parathion, or (3) if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).
When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions include owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments.
Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

AGRICULTURAL USE REQUIREMENTS

Use this product in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and green houses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions for exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the Agency responsible for pesticide regulation.

Entry-Restrictions: Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours/days.

Notification Instructions: (If required) Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

Personal Protective Equipment (PPE) Requirements:
Handler PPE: Applicators and other handlers must wear:
Coveralls over long-sleeved shirt and long pants
Chemical-resistant gloves such as barrier laminate or viton
Chemical-resistant footwear plus socks
Protective eyewear
Chemical-resistant headgear for overhead exposure
Chemical-resistant apron when cleaning equipment, mixing, or loading

Early Entry PPE: PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:
Chemicals over long-sleeved shirt and long pants
Chemical-resistant gloves such as barrier laminate or viton
Chemical-resistant footwear plus socks
Protective eyewear
Chemical-resistant headgear for overhead exposure

Conflicting Instructions: If the requirements of the WPS conflict with instructions listed elsewhere on this product label, users must obey the more protective requirements.

Multi-product brochures must contain complete WPS product labeling information for all products that are within scope of the WPS for the registrant, a contact phone number for the registrant, and no information unrelated to the products' labeling. If a brochure includes multiple products with similar names (e.g., Weed Killer 4EC, Weed Killer 10WP), the brochure must contain an advisory statement located near such a grouping reminding users to carefully match the WPS requirements in the brochure with the particular product they are using. This option is *not* available for fumigant products. An example of a multi-product brochure is provided.

MULTI-PRODUCT, PRODUCT-SPECIFIC

(Example)

"Supplemental Labeling With Worker Protection Requirements"

For compliance with the Worker Protection Standard (40 CFR Part 170):

Important: This supplemental labeling does not apply (1) to soil or space fumigant products, (2) to products containing ethyl parathion, or (3) if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).

When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions *include* owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

WPS Product Summary for Company XYZ:

Advisory: Similar names. Match WPS requirements carefully with products.	Weed Killer 10 G Granules	Weed Killer 10 WP	Weed/Insect Killer Super 8EC
Active Ingredient(s)	dicarbamon	tribamocarb tribamocarb	dicarbamon tribamocarb oxyethylion
EPA Reg. No.	9999-1	9999-2	9999-3
REI (hours)	12	48	48 (72 in arid areas)
PPE for Handlers Note: "CR" = Chemical Resistant	Long sleeved shirt Long pants Waterproof gloves Shoes, socks Protective eyewear	**Mixers and loaders**: Coverall over short sleeved shirt, short pants CR footwear, socks CR headgear for overhead exposure CR apron Dust/mist filtering respirator (TC-21C) **Applicators and other handlers**: Coverall over short sleeved shirt, short pants Waterproof gloves CR footwear, socks CR headgear for overhead exposure CR apron when cleaning equipment	**Applicators**: Coverall over long sleeved shirt, long pants CR gloves such as barrier laminate or viton CR footwear CR headgear for overhead exposure Protective eyewear *For exposures in enclosed areas*, either an organic vapor removing cartridge respirator (TC-23C) *or* canister approved for pesticides (TC-14C) *Outdoor exposures*: dust/mist respirator (MSHA/NIOSH TC-21C)

WPS Product Summary for Company XYZ:—Continued

Advisory: Similar names. Match WPS requirements carefully with products.	Weed Killer 10 G Granules	Weed Killer 10 WP	Weed/Insect Killer Super 8EC
PPE for Early Entry Workers	Coverall Waterproof gloves Shoes, socks Protective eyewear	Coverall over short sleeved shirt, short pants Waterproof gloves CR footwear, socks CR headgear for overhead exposure	Coverall over long sleeved shirt, long pants CR gloves CR footwear, socks CR headgear for overhead exposure Protective eyewear
Double Notification Required?	No Only Oral	No Only Oral	Yes Oral and posting

Supplemental distributors must develop separate brochures because product names will be different. However, ''buyout/transferred,'' ''orphaned/canceled,'' and ''dormant'' products for which WPS label language has been approved by EPA (all described in Unit IV.H.) may be included in the same brochure if the following conditions are met. ''Buyout/transferred'' products can be included only if (1) both registration numbers are listed in the reference table, and (2) the brochure cover specifies previous registrants' names represented on the ''transferred'' products' labels and that these products have been transferred to the existing registrant. (i.e., this brochure also contains products previously owned by companies B, C, and D but now owned by company A. . .) This will facilitate end users locating the correct brochure that corresponds to each product. If ''orphaned/canceled'' products are included, then the reference table should specify ''canceled: generic instructions'' for each such product and should indicate the specific generic requirements for each particular pesticide's label.

Optional information for both single-product supplements and multi-product brochures includes: complete registrant identification, including company logo; statements clearly connecting the brochure with the ''STOP stickered'' product; footnotes explaining chemical resistant categories for gloves, respirators, etc.; statements to clarify information given in the brochure; and statements concerning: discarding, washing, or maintenance of personal protective equipment, user safety recommendations, Spanish language warnings, REI's that are longer than those prescribed by the WPS, and Engineering Control Statements.

- Highlighting. If the registrant has chosen to use a multi-product brochure, instead of a single-product supplement, as described in the next sections, EPA strongly encourages that the wholesaler or retailer highlight or clearly identify in the brochure the specific product(s) being sold or distributed to the end user. This will assist the end-user in quickly identifying the requirements for the specific product before pesticide application.
- Location. EPA strongly encourages physically attaching the supplemental labeling to product containers to ensure end-users receive the supplemental labeling. (Note: It is a violation of the WPS and this policy statement to sell or distribute products with non-complying labels or ''offer such products for sale,'' to the end-user without providing the appropriate supplemental labeling.) If the labeling is not attached, it must be located in close physical proximity (e.g., immediately adjacent or next to) and accompany the product when the product is offered for sale to the end-user. When products are ''offered for sale'' to the end user, the supplemental labeling must be placed in such a way that it is clear which labeling corresponds to which product. Therefore, single-product supplemental labeling for different products and multi-product brochures for different registrants should not be mixed. Whenever feasible, supplemental labeling should accompany the stickered product at every stage of distribution.
- Format. The supplemental replacement labeling may be photocopied, provided all text is legible. Illegible photocopies and faxes are unacceptable. The User Safety Recommendations and Agricultural Use Requirements must each be located in a clearly separate box with lines or other graphic indicators to separate them from the surrounding text.

3. *''STOP sticker'' specifications*. If supplemental product-specific labeling will be used (instead of final printed replacement labeling as defined in Unit III.B.1. of this document) a ''STOP sticker'' must be applied only to those products that bear a label which has not been revised to comply with complete WPS requirements. If multiple products are contained on pallets or in shipping containers, these containers must be opened and a ''STOP sticker'' must be affixed to each individual product's immediate container and outside container before the product is offered for sale to the end-user. (The immediate containers of water soluble packages do not have to be stickered.)

''Stickering'' of products must be carried out according to the following specifications:

- Required Text. ''STOP--Use this product only in accordance with the Worker Protection Standard, 40 CFR Part 170, and the ''SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS,'' which must be provided when the product is offered for sale. Otherwise, you are in violation of FIFRA. For more copies of the labeling, contact your dealer or call 1–800–713–2291.
- Product labels that must not receive stickers. ''STOP stickers'' must NOT be applied to product labels that already comply with WPS requirements or that do not require a WPS label. For instance, deleted-use products must not receive a sticker or WPS labeling.
- Timing. The sticker must be affixed to the product container prior to the time the product is offered for sale to the end-user.
- Prominence. The sticker must be legible and prominent on the product package through use of contrasting colors or other graphic devices and must be placed on the label of each product container.
- Location. It must be printed on or affixed to the product container. If affixed, it must be difficult to remove without residue or damage to

underlying packaging or labeling. It must not be located on the bottom of the package or any other place that will not readily be noticed by users. If the product bears labeling on both outer packaging and immediate container, the sticker must be affixed to both. However, inner water soluble packages need not be modified under this approach.

- Obscuring existing language. The sticker must not obscure any information on the existing label.
- Highlighting specific products in brochures. EPA strongly encourages that the retailer highlight or clearly identify in the brochure the specific product(s) being sold or distributed to the end user. This will assist the end-user in quickly identifying the requirements for the specific product before pesticide application.

G. Relabeling Sites

WPS-related relabeling under this policy statement may occur at any site (such as wholesale or retail sites), by such persons without registration of the site as a pesticide-producing establishment. Relabeling of stocks of products with non-complying labels product under this policy statement may only be carried out by persons acting under the authority of the registrant as an ''authorized agent'' of the registrant.

H. Amending Product Labels of Special Products to comply with the WPS

1. *Orphaned or canceled products.* ''Orphaned'' products are those products where the registrants are no longer in business. Canceled products are those products canceled pursuant to FIFRA section 4 or 6 where EPA cancels the registration without transferring it to another person. You may have existing stock of these products that are within the scope of the WPS and do not bear WPS labeling.

EPA will allow sale or distribution of a pesticide product which is an orphaned or canceled product, after October 23, 1995, provided the product labeling is first modified to comply with the requirements below.

Labels of orphan or canceled products must be modified by using a ''STOP sticker'' and generic supplemental labeling that is provided when the product is being offered for sale to the end-user and meets certain requirements as specified below. WPS-related relabeling under this policy statement, including generic supplemental labeling may occur at any site (such as distribution or retail sites), by any retailer or wholesaler. An example of the supplemental labeling with the generic worker protection requirement is provided.

''Supplemental Labeling With Generic Worker Protection Requirements''

For compliance with the Worker Protection Standard (40 CFR Part 170):

Important: This supplemental labeling does not apply (1) to soil or space fumigant products, (2) to products containing ethyl parathion, or (3) if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).

When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions *include* owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Entry-Restrictions: Do not enter or allow worker entry during the restricted-entry interval (REI). The restricted-entry interval for this product is:

- the specific number of hours or days (if any) listed elsewhere on the product labeling as the reentry interval or entry restriction for the crop or site, if 12 hours or more;
- 12 hours, if no specific number of hours or days is listed elsewhere on the product labeling as the reentry interval or entry restriction for the crop or site;

The restricted-entry interval for this product must be at least 12 hours.

Notification Instructions: Follow the rules in the WPS for notifying workers of the application. EXCEPTION: If the instructions about notification (if any) listed elsewhere on the product labeling *require* posting of treated areas (rather than offering a choice), you must notify workers of the application by warning them orally AND by posting signs at entrances to treated areas, following the rules in the WPS.

Personal Protective Equipment (PPE) Requirements:

- *Handler PPE*: Pesticide handlers must wear the PPE listed elsewhere in the product labeling for applicators. If specific PPE is required elsewhere on the product label for specific handling tasks (such as mixing or loading), it must be worn while performing such tasks. In any case, any handler using this product must wear no less than: long-sleeved shirt, long pants, shoes, socks, and chemical-resistant or waterproof gloves.
- *Early Entry PPE*: PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is the same PPE as required elsewhere on this product label for applicators, except that any respirator requirement is waived. In any case, the minimum PPE required for any early entry worker exposed to this product is no less than: coveralls, shoes, socks, and chemical-resistant or waterproof gloves.

Conflicting Instructions: If the requirements of the WPS conflict with instructions listed elsewhere on this product label, users must obey the more protective requirements.

The fumigant generic supplemental labeling must be furnished to purchasers of agricultural fumigants. An example of a generic supplemental label is provided. The non-fumigant generic supplemental labeling must be furnished to purchasers of all other agricultural pesticides, except ethyl parathion products.

''Supplemental Labeling With Generic Worker Protection Requirements For Agricultural Fumigants''

For compliance with the Worker Protection Standard (40 CFR Part 170): Important: This supplemental labeling applies ONLY to soil or space fumigant products used in the production of agricultural plants. It does not apply if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).

When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions include owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Entry-Restrictions: Follow the applicable entry restrictions listed elsewhere on the product labeling.

Notification Instructions: Follow the rules in the WPS for notifying workers of the application.

Exception: If there are instructions listed elsewhere on the product labeling that requires the posting of specific signs at treated areas, you must notify workers of the application by warning them orally AND by posting the signs specified on the labeling.

Personal Protective Equipment (PPE) Requirements: Follow the applicable PPE instructions (if any) listed elsewhere on the labeling.

Conflicting Instructions: If the requirements of the WPS conflict with instructions listed elsewhere on this product label, users must obey the more protective requirements

Supplemental generic labeling specifications

• Title. The supplemental labeling must prominently bear the words ''SUPPLEMENTAL LABELING WITH GENERIC WORKER PROTECTION REQUIREMENTS'' at the top of the first page or be in a pouch prominently displaying the words ''SUPPLEMENTAL LABELING WITH GENERIC WORKER PROTECTION REQUIREMENTS'' attached to the container.

• Content. As appropriate to the type of product, the generic supplemental labeling must contain the complete text of the labeling as provided in the example presented.

• Location. EPA strongly encourages physical attachment of the supplemental labeling to product containers to ensure end-users receive the supplemental labeling. (Note: It is a violation of the WPS and this policy statement to sell or distribute products with non-complying labels or offer such products for sale, to the end-user without providing the appropriate supplemental labeling.) If the labeling is not attached, it must be located in close physical proximity to and accompany the product when the product is offered for sale to the end-user. Whenever feasible, supplemental labeling should accompany the stickered product at every stage of distribution.

• Format. The generic supplemental labeling should be similar to that presented in this policy statement, with all text legible. See Units IV.F. and IV.H. for examples.

Note: Ethyl Parathion Products: Holders of stocks on products without WPS-complying labels may not use the option of generic supplemental labeling described below and should contact the registrant of such products or, if necessary, EPA for guidance.

''STOP Sticker'' Specifications for Generic Supplemental Labeling

''Stickering'' of orphaned or canceled products is only allowed according to the following specifications:

• Required Text. STOP--Use this product only in accordance with the Worker Protection Standard, 40 CFR Part 170, and the ''SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS,'' which must be provided when the product is offered for sale. Otherwise, you are in violation of FIFRA. For more copies of the labeling, contact your dealer or call 1–800–713–2291.

• Timing. The sticker must be affixed to the product container whenever the product is offered for sale or distribution to the end user.

• Prominence. The sticker must be legible and prominent on the product package through use of contrasting colors or other graphic devices, and placement on the label of each product container.

• Location. It must be printed on or affixed to product containers. If affixed, it must be difficult to remove without residue or damage to underlying packaging or labeling and must not be located on the bottom of the package or any other place that will not readily be noticed by users. If the product bears labeling on both outer packaging and immediate container, the sticker must be affixed to both. (Exception: STOP stickers need not be affixed directly on inner water soluble packages.)

• Obscuring existing language. The sticker or facsimile must not obscure any information on the existing label.

2. *Buy-out or transferred products.* These are stocks of products that have been transferred to another registrant who has responsibility for the product's registration. The existing stocks have the original company's name and registration number.

The new registrant should choose one of the following options to deal with these products:

• Recall and relabel/repackage. Recalling the products and repackaging them at a registered establishment with final printed replacement labeling, or

• Product-specific relabeling. Conducting or authorizing relabeling of products with either: (i) Final printed product-specific, WPS-complying replacement labeling or (ii) supplemental product-specific replacement labeling and a ''STOP sticker'' that meets certain requirements.

Relabeling must occur in accordance with the section entitled, ''Supplemental Product-Specific Labeling Specifications.'' This section also contains information about including ''transferred'' products in multi-product brochures. Generic Supplemental Labeling and STOP stickers may NOT be used for these products.

3. *Deleted-use products.* These are products for which the registrant has amended the registration to delete certain uses (e.g., sod) thereby putting the product outside the scope of the WPS. There may be existing stocks of such products that still have the previous label and are thus within the WPS scope.

The registrant should choose one of the following options to relabel these products. Otherwise, the product may not be distributed or sold after October 23, 1995.

- Recall and relabel/repackage. Recalling the products and relabeling/repackaging them at a registered establishment with the current labeling that has been amended to delete WPS uses.
- Product-specific relabeling. Conducting or providing a written authorization for relabeling of products with the current labeling that has been amended to delete any WPS uses. Products can be relabeled by: (i) Replacing existing labeling with the current final printed replacement labeling, or (ii) marking/blocking out all WPS uses and references to WPS uses (e.g., use directions). If final printed replacement labeling is used, the amended labeling must completely obliterate the previous label so that the previous label does not show. It must be securely affixed to the product package and be difficult to remove without residue or damage to the underlying packing or labeling. If the option to mark/block out of all WPS references is chosen, all WPS uses and references to WPS uses must be completely blocked and no other portions of the label text that remain unchanged must be altered or obscured.

In the event that a retailer or wholesaler is unable to get a registrant to recall and relabel these products, you should contact EPA's Registration Division (703–305–6250) for instructions on how to proceed with those products.

4. *Dormant products.* These are products where no quantity of the product has been produced and distributed after April 21, 1994, and for which registrants elected to defer labeling amendments. If there are products left in the channels of trade, they must not be sold or distributed after October 23, 1995. In this situation, the registrant has several options:

- Product-specific relabeling. Amend the product registration to include the WPS requirements and follow all requirements for relabeling with product-specific replacement labeling.
- Relabeling with non-WPS label. Amend the product registration to delete any WPS uses by either recalling and relabeling/repackaging or by conducting or providing a written authorization for relabeling of products at the product's location with the updated, non-WPS label.
- Generic labeling. Voluntarily cancel the registration and follow all requirements for orphaned or canceled products concerning relabeling with supplemental generic replacement labeling.

V. Deadline for Relabeling and Final Sale

By October 23, 1996, all products being distributed or sold must bear final printed, WPS-complying, replacement labeling that conforms to the requirements outlined in this policy statement. Supplemental product-specific replacement labeling will *not* be allowed after this date.

Retailers or wholesalers of orphan or canceled products may still use generic supplemental replacement labeling and ''STOP stickers'' in accordance with this policy statement after October 23, 1996.

VI. For Further Information and Assistance

If after reading this policy statement you have questions about what you must do to bring the labeling of any product you hold into compliance, you are encouraged to call the registrants of any such products for assistance. If further assistance is necessary, you may call EPA or any of its regional offices for assistance. The EPA headquarters number for assistance is (703) 305–6250. Additional information also may be obtained from the industry task force at 1–800–713–2291.

List of Subjects in Part 156

Environmental protection and Worker protection.

Dated: November 30, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

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Federal Register

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