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Monday
January 22, 1996

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

WASHINGTON, DC

[Two Sessions]

WHEN: January 23, 1996 at 9:00 am and February 6, 1996 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

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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 Part 301

[Docket No. 95–086–1]

Citrus Canker Regulations; Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the citrus canker regulations by quarantining an area in Dade County, FL. This action is necessary on an emergency basis to prevent the spread of citrus canker into noninfested areas of the United States. This action imposes certain restrictions on the interstate movement of regulated articles from and through the quarantined area.

DATES: Interim rule effective January 16, 1996. Consideration will be given only to comments received on or before March 22, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–086–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–086–1. Comments received may be inspected 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 comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8899.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease known to affect plants and plant parts, including fresh fruit, of citrus and citrus relatives (Family Rutaceae). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It may also make the fruit of infected plants unmarketable by causing lesions on the fruit. Infected fruit may also drop from trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

The regulations to prevent the interstate spread of citrus canker are contained in 7 CFR 301.75–1 through 301.75–14 (referred to below as ''the regulations''). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker. The regulations also provide for the designation of survey areas around quarantined areas. Survey areas undergo close monitoring by Animal and Plant Health Inspection Service (APHIS) and State inspectors for citrus canker and serve as containment or buffer zones against the disease.

Section 301.75–4(c) of the regulations states that any State or portion of a State where an infestation is detected will be designated as a quarantined area and will remain so until the area has been without infestation for 2 years.

Section 301.75–4(d) of the regulations states that less than an entire State will be designated as the quarantined area only if certain conditions are met. The conditions include the inspection of areas designated as survey areas. Additionally, the State must, with certain specified exceptions, enforce restrictions on the intrastate movement of regulated articles from the quarantined area that are at least as stringent as those being enforced on the interstate movement of regulated articles from the quarantined area.

Prior to the publication of this document, there were no areas in the United States designated as quarantined areas or survey areas for citrus canker. On September 28, 1995, however, employees of the State of Florida collected samples of the Asiatic strain of citrus canker from residental citrus trees in the Westchester area of Miami, FL. As a result, we determined that a portion of Dade County, FL, must be designated as a quarantined area for citrus canker. Additionally, we have determined that the State of Florida is enforcing restrictions on the intrastate movement of regulated articles from that area in Dade County that are at least as stringent as those for the interstate movement of regulated articles from the area.

Accordingly, we are amending the regulations by designating a portion of Dade County, FL, as a quarantined area. Citrus canker has been found in approximately 24 square miles of Dade County, FL, but, as a precaution, we have established a quarantined area that comprises approximately 140 square miles of Dade County, FL. As the small infested area lies at the core of the quarantined area and constitutes less than 18 percent of the quarantined area, we have determined that establishing a separate survey area is unnecessary in this case.

At this stage of the infestation, we believe that expanding the quarantined area to include a buffer zone, rather than establishing a separate, less restricted survey area, will enhance our ability to detect and control further occurrences of citrus canker in and around the infested area. This is because, as the new findings of citrus canker were detected in a highly populated residential area, we expect that over the course of the next several months, citrus canker may be detected on additional properties in the general vicinity of the original findings. The extended quarantined area will allow us to contain the spread of the citrus canker more effectively than our traditional quarantined area surrounded by a less stringently regulated survey area and will eliminate the possibility of constant changes to the regulations to amend the boundaries of the quarantined area and the survey area to accommodate new findings of citrus canker. We believe that in addition to preventing the spread of citrus canker within the regulated area, this action will provide more consistent boundaries for the quarantined area. The exact description of the newly quarantined area can be found in the rule portion of this document.

In light of a review of recent scientific literature, we are also revising the definition of citrus canker to reflect current taxonomic nomenclature. Citrus canker has been defined as a plant disease caused by strains of the bacterium *Xanothomonas campestris* pv. *citri*. The new definition will state that citrus canker is a plant disease caused by strains of the bacterium *Xanothomonas axonopodis* pv. *citri*. In July of 1995, the scientific name of the strains of bacteria that cause the citrus canker that is regulated was changed. *Xanothomonas axonopodis* pv. *citri* is actually the same organism with the same characteristics that we refer to in the current regulations. The change in nomenclature involves a change in the species portion of scientific name only; *Xanothomonas campestris* pv. *citri* has simply been placed in another species grouping based on an extensive review of species characteristics.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent citrus canker from spreading into noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the Federal Register. After the comment period closes, we will publish another document in the Federal Register. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this interim rule on small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this interim rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this interim rule.

The Plant Quarantine Act, contained in 7 U.S.C. 151–165 and 167, authorizes the Secretary of Agriculture to quarantine States or portions of States and to promulgate regulations to prevent the spread of dangerous plant diseases new to or not widely prevalent in the United States.

We are amending the citrus canker regulations by amending the definition of citrus canker and by quarantining an area in Dade County, FL. This action imposes restrictions on the interstate and intrastate movement of citrus plants, plant parts, citrus fruit, and other regulated articles from and through the quarantined area.

Within the newly regulated area, there are approximately 2,275 entities that could be affected by this interim rule. These entities consist of 375 nurseries and stockdealers, 300 fresh fruit retail stores, one large flea market, and 1,600 lawn maintenance businesses. Most of the sales or services provided by these entities are local or specifically within the regulated area.

The nurseries and stockdealers affected by this interim rule will be required to undergo periodic inspections. These inspections may be inconvenient, but the inspections will not result in any additional costs for the nurseries or stockdealers because APHIS or the State of Florida will provide the services of the inspector without cost to the nursery or stockdealer. Should the inspector discover citrus canker in any of the regulated plants or trees within the nursery or stockdealer's premises, then the nursery or stockdealer may have to incur the cost of destroying the infected plants or trees and will, in any case, be deprived of the opportunity to benefit from the sale of infected regulated plants and trees. However, because citrus canker is currently limited to residential properties, we expect the cost of compliance for nurseries and stockdealers to be minimal.

The fresh fruit retailers and the flea market dealers affected by this interim rule will be required to abide by restrictions on the interstate and intrastate movement of regulated articles. They may be affected by this interim rule because fruit sold within the quarantined area in retail stores and at the flea market cannot be moved outside of the quarantined area. However, we expect any direct costs of compliance for fresh fruit retailers and flea market dealers to be minimal.

The lawn maintenance companies affected by this interim rule will be required to perform additional safety measures when maintaining an area inside the quarantined area. Lawn maintenance companies will have to clean and disinfect their equipment after grooming an area within the quarantined area, and they must properly dispose of any clippings from plants or trees within the quarantined area. These requirements will slightly increase costs for lawn maintenance companies affected by this interim rule.

The alternative to this interim rule was to make no changes in the citrus canker regulations. We rejected this alternative because failure to quarantine a portion of Dade County, FL, could result in great economic losses for domestic citrus producers.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for our conclusion that the selected citrus canker eradication program will not present a risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (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).

Copies of the environmental assessment and finding 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 copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under ''**FOR FURTHER INFORMATION CONTACT.**''

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.75–1, the definition of *Citrus canker* is revised to read as follows:

§ 301.75–1 Definitions.

* * * * *

Citrus canker. A plant disease caused by strains of the bacterium *Xanthomonas axonopodis* pv. *citri.*

* * * * *

3. In § 301.75–4, paragraph (a) is revised to read as follows:

§ 301.75–4 Quarantined areas.

(a) The following States or portions of States are designated as quarantined areas:

FLORIDA

Dade County. That portion of Dade County within the following boundaries: Beginning at the point on the shore line of Biscayne Bay that is directly south of and in line with W 17th Avenue; then north to W 17th Avenue; then north along W 17th Avenue to State Route 916; then west along State Route 916 to the Palmetto Expressway; then south along the Palmetto Expressway to NW 58th Street; then west along NW 58th Street to NW 177 Avenue (Krome Avenue); then south along NW 177 Avenue to SW 88th Street (Kendall Drive); then east along SW 88th Street to Biscayne Bay; then north along the shore line of Biscayne Bay to the point of beginning.

* * * * *

4. In § 301.75–4, paragraph (d)(1) is revised to read as follows:

§ 301.75–4 Quarantined areas.

* * * * *

(d) * * *

(1) *Survey.* No area has been designated a survey area.

* * * * *

Done in Washington, DC, this 16th day of January 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–662 Filed 1–19–96; 8:45 am]

BILLING CODE 3410–34–P

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7 CFR Part 301

[Docket No. 95–026–2]

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the pink bollworm regulations by removing portions of Clay, Crittenden, and Mississippi Counties in Arkansas from the list of suppressive areas for pink bollworm. Trapping surveys show that the pink bollworm no longer exists in these areas. The interim rule relieved unnecessary restrictions on the interstate movement of regulated articles from these previously regulated areas.

EFFECTIVE DATE: February 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Coanne O'Hern, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8717.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the Federal Register on August 28, 1995 (60 FR 44415–44416, Docket No. 95–026–1), we amended the pink bollworm regulations in 7 CFR 301.52 through 301.52–10 by removing certain portions of Clay, Crittenden, and Mississippi Counties in Arkansas from the list of suppressive areas for pink bollworm. That action relieved unnecessary restrictions on the interstate movement of regulated articles from these previously regulated areas.

Comments on the interim rule were required to be received on or before October 27, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR 301 and that was published at 60 FR 44415–44416 on August 28, 1995.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 16th day of January 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–663 Filed 1–19–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Public Notice 2318]

Visas Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended; Application for Nonimmigrant Visa

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: The United States is hosting the Summer Olympic Games in Atlanta in 1996. The processing of visas for the

great number of participants requires some temporary changes in established procedures to accommodate the increased workload. These changes include: granting the Deputy Assistant Secretary for the Visa Office authority to designate consular posts for processing of NIVs regardless of the applicant's place of residence or physical presence, a waiver of the passport requirement at the time of visa application, and a waiver of the photograph requirement at the time of NIV application and issuance.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202 663–1204.

SUPPLEMENTARY INFORMATION:

Background

The Games of the XXVI Olympiad will be held in Atlanta, Georgia, from July 19 to August 4, 1996. These games will be the largest in history with 10,000 athletes and at least 45,000 in the entire Olympic Family. ''Olympic Family Members'' include: athletes, coaches, trainers, support personnel, senior officials of the International Olympic Committee, International Federations, National Olympic Committees, and Other Olympic Games Organizing Committees, as well as official guests, rightsholding broadcasters, accredited international media and international judges and juries. The vast majority of ''Olympic Family Members'' are aliens and must be processed for admission into the United States for the Games. These great numbers require the Department of State and other agencies engaged in the process to devise means to accommodate ''Olympic Family Members'' in the most efficient fashion. Visa processing procedures for the Games have been specifically designed to minimize the burden on the currently heavily taxed resources at U.S. consular posts abroad and to facilitate visa processing for ''Olympic Family Members.''

Place of Application

The general rule at 22 CFR 41.101 requires an alien to apply for a nonimmigrant visa in the consular district in which he or she resides, whether or not physically present there at that time, or where the alien is physically present regardless of place of residence. The change in the regulation grants the Deputy Assistant Secretary the authority to designate a consular post or consular posts for acceptance of visa applications from certain ''Olympic Family Members'' regardless of the residence or physical presence of the applicants. This permits the Department of State to best utilize available resources in efficiently fulfilling its visa responsibilities under the Immigration and Nationality Act.

Presentation of Passport

The regulations at 22 CFR 41.104(b) require visa applicants to present passports at the time of application for visas. Although ''Olympic Family Members'' will still need to present passports at the time of admission to the United States, they will not be required to do so at the time of visa application. The regulation is modified accordingly.

Passport Photograph

Pursuant to 22 CFR 41.105(a)(3), the nonimmigrant visa applicant generally must provide a personal photograph or photographs at the time of the visa application. This regulation does, however, provide for several exceptions to this requirement. Again, to facilitate processing, an exception to this general rule is extended to ''Olympic Family Members''.

Visa Format

The specific visa format is set forth in 22 CFR 41.113(d). Subsection (k) of that regulation provides for an exception to the general visa format to address the specific needs of processing visas for Olympic or regional games. The procedures for the Atlanta Games will differ from the subsection (k) provision in that the visa will be placed on the individual ''Olympic Family Member's'' official identity card. The regulations at subsection (k) are amended accordingly.

Final Rule

This final rule provides for temporary changes in the established procedures for processing nonimmigrant visas for temporary visitor visas to the United States for purposes of the 1996 Olympic Games in Atlanta.

This rule is not expected to have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act. In addition, this rule amends and reduces the burden for information collection requirements approved under the Paperwork Reduction Act, OMB No. 1405–0018. This rule has been reviewed as required under E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

List of Subjects in 22 CFR Part 41

Aliens, Documentation, Nonimmigrants, Passports and visas.

In order to facilitate the processing of visa applicants in the most timely fashion, Part 41 of Title 22 is amended by adding a new paragraph (c) to 41.101; by adding a new paragraph (e) to 41.104; by adding a new subparagraph (iv) to 41.105(a)(3); and by adding a new subparagraph (3) to 41.113(k).

PART 41—[AMENDED]

1. The authority citation for Part 41 continues to read:

Authority: 8 U.S.C. 1101 and 1104; 19 U.S.C. 3401.

2. Part 41, Subpart J—Application for Nonimmigrant Visa, is amended by adding paragraph (c) to § 41.101 to read as follows:

§ 41.101 Place of application.

* * * * *

(c) *1996 Games of the XXVI Olympiad, Atlanta, Georgia.* Notwithstanding paragraph (a) of this section, consular officers at consular posts designated by the Deputy Assistant Secretary of State for the Visa Office shall accept visa applications for certain aliens accredited by the Atlanta Committee for the Olympic Games as ''Olympic Family Members.'' Such applications must be received at post no earlier than January 1, 1996 and not later than August 4, 1996.

3. By adding a new paragraph (e) to § 41.104 to read as follows:

§ 41.104 Passport requirements.

* * * * *

(e) *1996 Games of the XXVI Olympiad, Atlanta, Georgia.* Notwithstanding paragraph (b) of this section, consular officers shall process visa applications submitted on behalf of ''Olympic Family Members'' accredited by the Atlanta Committee for the Olympic Games. Passports need not be presented on behalf of such applicants at the time of visa application. These applications must be received no earlier than January 1, 1996 and not later than August 4, 1996.

4. By revising paragraph (a)(3)(iii) and adding a new paragraph (a)(3)(iv) to § 41.105 to read as follows:

§ 41.105 Supporting documents and fingerprinting.

(a) * * *

(3) * * *

(iii) Under 16 years of age; or

(iv) For the period January 1, 1996 through August 4, 1996, a foreign national accredited by the Atlanta

Committee for the Olympic Games as an ''Olympic Family Member.''.

* * * * *

5. By removing the period at the end of paragraph (k)(2)(ii) and inserting a semicolon and the word ''or'' in its place; and adding a new paragraph (k)(3) to § 41.113 to read as follows:

§ 41.113 Procedures in issuing visas.

* * * * *

(k) * * *

(3) Is the holder of an official identity card which has been issued for participation in the 1996 Games of the XXVI Olympiad, Atlanta, Georgia under the Olympic Rules Bylaws upon which a visa stamp is affixed and which includes the following information:

(i) The name, date and place of birth of the alien;

(ii) The nationality of the alien;

(iii) The alien's passport number; and

(iv) The signature of the head of the sponsoring National Olympic Committee or other responsible organization.

Dated: December 21, 1995.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96–729 Filed 1–19–96; 8:45 am]

BILLING CODE 4710–06–P

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22 CFR Part 42

[Public Notice 2319]

Visas: Documentation of Immigrants Under the Immigration and Nationality Act as Amended

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: This final rule promulgates changes to the regulations implementing the Diversity Immigrant Program provided for in INA 201(a)(3), 201(e), 203(c), and 204(a)(1)(G), as amended. After analysis of the comments received, the Department has decided to make the changes proposed in its Notice of Proposed Rule Making of November 13, 1995.

EFFECTIVE DATE: February 21, 1996.

FOR FURTHER INFORMATION CONTACT: Cornelius D. Scully III, Director, Office of Legislation, Regulations, and Advisory Assistance, Bureau of Consular Affairs, Department of State, (202) 663–1184.

SUPPLEMENTARY INFORMATION: Public Notice 2284 at 60 FR 56961 proposed amendments to § 42.33 of 22 CFR Part 42 which implements the Diversity Immigrant Program established by INA 201(a)(3), 201(e), 203(c), 203(e)(2), and 204(a)(1)(G), as amended. Specifically, the Department proposed to modify the petitioning procedure by requiring that aliens petitioning for selection to compete sign their petition and include, with the petition, a photograph of the kind required with applications for nonimmigrant visas, on the reverse of which the alien must have printed his or her name. In addition, the Department proposed to include authority for the collection of a processing fee in case it is decided that such a fee should be charged.

During the comment period, the Department received three comments. One commenter agreed that it would not be unreasonable to impose a processing fee to cover the cost of the selection process; the other two did not comment on the fee issue.

All three commenters opposed the proposals to require signature of the petition and submission of a photograph with the petition. All three represent organizations which, presumably for a fee, assist aliens in preparing and submitting their petitions for consideration under the Diversity Immigrant Program. All three emphasized the ''hardships'' that these new requirements would impose upon aliens who use their services. One of the three set forth a detailed step-by-step description of the organization's handling of petitions for its clients, pointing out how imposition of these new requirements would be inconsistent with the procedures the organization has established, at least with respect to the mail-in period for consideration during Fiscal Year 1997.

Effectively, all three commenters are opposing these proposed new requirements because, at least with respect to the forthcoming mail-in period, they make it difficult for the organizations to conduct this aspect of their business as they have done up until now. All three assert that this will impose a hardship on their clients. The Department does not believe, however, that implementation of this change can be said to impose a hardship on such aliens. Notice of the revised requirements is being disseminated world-wide as part of the annual notice of the mail-in period. This dissemination is occurring more than a month before the first day of the mail-in period and the period itself will be a full thirty days.

The Department has long been aware that there are organizations, both in the United States and elsewhere, that have assisted aliens to compete in the various immigrant visa lotteries that have existed since 1987, including the current Diversity Immigrant Visa Program. The Department neither encourages nor discourages such activities, but merely acknowledges their existence. At the same time, the Department does not believe that it is either necessary, or even appropriate, that it should refrain from establishing such requirements and procedures as it considers necessary to ensure the integrity of the process, simply because their establishment may inconvenience some such organizations and the arrangements they have made for assisting their clients. Also, the Department believes that those aliens who are genuinely motivated to compete for immigration under the Diversity Immigrant Program will not find it impossible, or even unduly difficult, to have their petitions reach the designated address by the expiration of the mail-in period.

The Department also believes that whatever inconvenience may be caused by these changes must be weighed against the abuses they are designed to prevent. During the comment period, the Department received yet another communication from an immigrant visa issuing office about an apparent impostorship. The alien concerned had a name very common in the country, equivalent to John Smith in the United States. Vital records in the country are unreliable and incomplete. This alien recently approached the consular office asserting that he was the ''John Smith'' who had been selected in the FY 95 mail-in period. The office's records reflect that some months previously it had issued a Diversity Immigrant visa to a ''John Smith'' with the same date and place of birth as the alien now claiming to be the rightful winner. Had these new requirements been in effect for the FY 95 mail-in period, the consular officer would have been able to match the photograph with the applicant and the signature on the petition with other samples of the applicant's handwriting. As it is, there is no possible way to ascertain which of the two ''John Smiths'' was, in fact, the one whose application was selected during the FY 95 mail-in period. As a result, the Department has concluded that it should make the changes as proposed.

Two of the commenters opposed the photograph requirement on the ground that some potential petitioners may find it difficult to obtain a photograph meeting the specifications set forth in the proposed rule. The Department finds it difficult to take this comment seriously, since the requirement proposed is identical with the photograph requirement for nonimmigrant visa applicants which has been in effect for decades. Every

year more than 5 million nonimmigrant visa applicants in countries throughout the world manage to comply with this requirement, and the Department cannot believe that those wishing to compete for consideration under the Diversity Immigrant Visa Program will have any greater difficulty than the millions upon millions of nonimmigrant visa applicants have had.

Finally, one of the commenters asked whether the petitioner was required to sign the sheet of paper containing the information or whether the information could appear on one sheet of paper and the signature on another which would be stapled to it. The commenter urged that the latter be allowed, because of processing problems which the organization would otherwise have, and commented that it was not clear from the proposed rule whether its suggested alternative was legitimate. It was the Department's intent that the petition continue to be a single sheet of paper, on which the petitioner is to type or print legibly the information required and which the petitioner will sign below the last line of information. The Department finds no basis for complicating the process by having the information on one sheet of paper and a signature on a separate blank sheet of paper stapled to it. Moreover, the Department does not believe that either the Supplementary Information in the proposed rule or the proposed text of 22 CFR 42.33(b)(1) can reasonably be read to mean anything other than that. In any event, the Department hereby re-emphasizes that all petitions are to consist of a single sheet of paper on which are inscribed both the required information about the petitioner and the petitioner's signature.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required under E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof.

List of Subjects in 22 CFR Part 42

Aliens, Documentation, Immigrants, Passports and visas.

PART 42—[AMENDED]

1. The authority citation for Part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Section 42.33 is amended by revising paragraph (b)(1) and by adding paragraph (i) to read as follows:

§ 42.33 Diversity immigrants.

* * * * *

(b) *Petition for consideration*—(1) *Form of petition.* An alien claiming to be entitled to compete for consideration under INA 203(c) shall file a petition for such consideration. The petition shall consist of a sheet of paper on which shall be typed or legibly printed in the Roman alphabet the petitioner's name; date and place of birth (including city and country, province or other political subdivision of the country); the country of which the alien claims to be a native, if other than the country of birth; name[s] and date[s] and place[s] of birth of spouse and child[ren], if any; a current mailing address; and location of consular office nearest to current residence or, if in the United States, nearest to last foreign residence prior to entry into the United States. The alien shall sign his or her signature on the sheet of paper, using his or her usual signature. The alien shall also affix to the sheet of paper a recent photograph of himself or herself. The photograph shall be 1½ inches square (37mm × 37mm) and the alien shall clearly print his or her name in the Roman alphabet on the reverse of the photograph before affixing the photograph to the sheet of paper.

* * * * *

(i) *Processing fee.* In addition to collecting the immigrant visa application and, if applicable, issuance fees, as provided in § 42.71(b) of this part, the consular officer shall also collect from each applicant for a visa under the Diversity Immigrant Visa Program such processing fee as the Secretary of State shall prescribe.

Dated: January 16, 1996.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 96–730 Filed 1–19–96; 8:45 am]

BILLING CODE 4110–06–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–95–069]

Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of deviation from regulations and request for comments.

SUMMARY: Notice is hereby given that the Coast Guard has issued a temporary deviation to the regulations governing the J.D. Butler (Hillsboro Boulevard, State Road 810) drawbridge, mile 1050.0, at Deerfield Beach, from December 1, 1995 through February 28, 1996. This deviation authorizes the bridge owner to open the draw on signal, except that, from 7 a.m. to 6 p.m., Monday through Thursday, the draw need open only on the hour, 20 minutes after the hour, and forty minutes after the hour; and from 7 a.m. to 6 p.m., Friday through Sunday and federal holidays, the draw need open only on the hour and half-hour. The purpose of this temporary change in opening schedule from Friday through Sunday and federal holidays is to test the feasibility of establishing a permanent change to the seasonal opening restrictions to reduce severe vehicular traffic congestion without unreasonably impacting navigation.

DATES: This deviation is effective from December 1, 1995 through February 28, 1996, unless sooner terminated.

Comments on the alternate schedule must be received on or before February 28, 1996.

ADDRESSES: Comments may be mailed to Commander (oan), Seventh Coast Guard District, Brickell Plaza Federal Building, Room 406, 909 SE. 1st Avenue, Miami, Florida 33131–3050. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Rich, Bridge Management Specialist, Seventh Coast Guard District, at 305–536–5117.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this evaluation of possible changes to the regulations governing the J.D. Butler Drawbridge over the Atlantic Intracoastal Waterway by submitting written data, or arguments for or against this deviation. Persons submitting comments should include their name, address, identify this rulemaking (CGD7–95–069) and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period and determine whether to

initiate a rulemaking to propose a permanent change to the drawbridge operation schedule. Persons may submit comments by writing to the Commander (oan), Seventh Coast Guard District listed under **ADDRESSES.**

Background and Purpose

On November 28, 1994, the City Manager of Deerfield Beach requested a change from the current seasonal operating schedule in Title 33 CFR 117.261(bb) to a year-round hour and half-hour opening schedule. A Coast Guard analysis of highway traffic and bridge opening data provided by the Florida Department of Transportation which was completed on May 8, 1995, indicated the heavy traffic congestion is limited to weekends during the winter tourist season. This deviation will allow a test of the proposed hour and half-hour opening schedule during the heaviest highway and waterway traffic periods. If the test reduces highway traffic congestion without unreasonably impacting navigation, the Coast Guard plans to publish a Notice of Proposed Rule Making which will again request comments on a permanent change to the regulations.

Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw at any time.

This deviation from normal operating regulations (33 CFR 117.5) is authorized in accordance with the provisions of Title 33 of the Code of Federal Regulations, § 117.43.

Dated: December 20, 1995.

Roger T. Rufe, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 96–725 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH33

Veterans Education: Implementation of the Veterans' Benefits Improvement Act and the Post-Vietnam Era Veterans' Educational Assistance Program

AGENCIES: Defense and Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends regulations of the Department of Veterans Affairs (VA) concerning the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). It restates statutory requirements and sets forth VA statutory interpretations regarding provisions of the Veterans' Benefits Improvement Act of 1994. More specifically, the regulations are amended by making flight training a permanent part of VEAP; by providing for approval of courses leading to alternative teacher certification; by defining ''alternative teacher certification''; by reflecting that VA is prohibited from functionally supervising State approving agencies that approve courses for VA training; and by providing that, in order to be approved for VA training, a correspondence course must be accredited and at least 50% of the students completing the course must take at least six months to complete it.

DATES: *Effective Date:* This rule is effective January 22, 1996.

Applicability Dates: The restatements of statute and VA's statutory interpretations contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. For more information concerning the application of statutes and statutory interpretations, see the **SUPPLEMENTARY INFORMATION** section.

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

SUPPLEMENTARY INFORMATION: Regulations concerning the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) are contained in 38 CFR Part 21. This document contains a number of changes to the regulations based on the Veterans' Benefits Improvement Act of 1994 (Pub. L. 103–446).

Before the enactment of Pub. L. 103–446, VEAP benefits for pursuit of flight training were subject to a sunset provision under which no benefits could be paid for training that occurred after September 30, 1994. Pub. L. 103–446 removed the sunset provision, thus making flight training a permanent part of VEAP. The provisions of § 21.5250(b) are amended to reflect this statutory change.

Public Law 103–446 contains a provision that requires any entity offering an alternative teacher certification program to be considered to be an educational institution for VA purposes during the period beginning on November 2, 1994, and ending on September 30, 1996. The provisions of §§ 21.5021(d) and 21.5200 are amended to reflect this statutory change.

This document also defines ''alternative teacher certification program'' as follows:

> The term *alternative teacher certification program* for the purposes of determining whether an entity offering such a program is a school, educational institution or institution, as defined in paragraph (d)(3) of this section, means a program leading to a teacher certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

We believe this is consistent with the Congressional intent.

Beginning in 1989, VA was permitted by statute to functionally supervise the State approving agencies that approve courses for VA training. Pub. L. 103–446 contains a provision that now prohibits VA from doing this. The provisions of § 21.5150 are amended to reflect this statutory change.

Public Law 103–446 requires that, in order to be approved for VA training, a correspondence course must be accredited and at least 50% of the students completing the course must take at least six months to complete it. The provisions of § 21.5250(a) are amended to reflect this statutory change.

The restatements of statute and statutory interpretations contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. The dates of application for provisions covered by this document are as follows:

October 1, 1994: 38 CFR 21.5250(b).
November 2, 1994: §§ 21.5021(d), 21.5021(y), 21.5150, introductory text, and 21.5200(a).
January 31, 1995: § 21.5250(a).

The Secretary of Veterans Affairs and the Secretary of Defense hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule merely restates statutory changes and sets forth statutory interpretations. Accordingly, no proposed rulemaking was required in connection with the adoption of this final rule. Pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Under 5 U.S.C. 553 there is a basis for dispensing with prior notice and comment and for dispensing with a 30-day delay of the effective date since this final rule merely restates statutory provisions and sets forth statutory interpretations.

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.120.

List of Subjects in 38 CFR Part 21

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

Approved: December 4, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Samuel E. Ebbesen,

Lieutenant General, USA, Deputy Assistant Secretary, (Military Personnel Policy) Department of Defense.

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

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart G—Post-Vietnam Era Veterans' Educational Assistance Under 38 U.S.C. Chapter 32

1. The authority citation for part 21, subpart G is revised to read as follows:

Authority: 38 U.S.C. chapter 32, unless otherwise noted.

2. In § 21.5021, paragraph (d) and its authority citation are revised and paragraph (y) and its authority citation are added to read as follows:

§ 21.5021 Definitions.

* * * * *

(d) *School, educational institution, institution.* The terms, *school, educational institution,* and *institution* mean—

(1) Any vocational school, business school, correspondence school, junior college, teacher's college, college, normal school, professional school, university or scientific or technical institution;

(2) Any public or private elementary school or secondary school which offers courses for adults; and

(3) An entity, during the period beginning on November 2, 1994, and ending on September 30, 1996, other than an institution of higher learning, that provides training required for completion of a State-approved alternative teacher certification program.

(Authority: 38 U.S.C. 3202(2), 3452(c))

* * * * *

(y) *Alternative teacher certification program.* The term *alternative teacher certification program* for the purposes of determining whether an entity offering such a program is a school, educational institution or institution, as defined in paragraph (d)(3) of this section, means a program leading to a teacher certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

(Authority: 38 U.S.C. 3202(2), 3452(c))

3. In § 21.5150, the introductory text is revised to read as follows:

§ 21.5150 State approving agencies.

In administering chapter 32, title 38, United States Code, VA will apply the provisions of the following sections:

* * * * *

4. In § 21.5200, paragraph (a) is revised to read as follows:

§ 21.5200 Schools.

* * * * *

(a) Section 21.4200—Definitions (with the exception of paragraph (a)).

* * * * *

5. In § 21.5250, paragraph (a), introductory text, and paragraph (b) are revised, to read as follows:

§ 21.5250 Courses.

(a) *General.* In administering benefits payable under chapter 32, title 38, U.S.C. VA and, where appropriate, the State approving agencies shall apply the following sections:

* * * * *

(b) *Flight courses.* In administering benefits payable for flight training under chapter 32, title 38, U.S.C., VA and the State approving agencies will apply the provisions of § 21.4263 of this part. Educational assistance allowance is payable only for flight training undertaken by a veteran or serviceperson after March 31, 1991.

* * * * *

[FR Doc. 96–664 Filed 1–19–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 801, 802, 803 and 806

RIN 2900–AH62

VA Acquisition Regulation: Senior Procurement Executive and Procurement Executive

AGENCY: Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs Acquisition Regulations (VAAR) to establish delegations of authority for acquisition issues to the Assistant Secretary for Management and to the Deputy Assistant Secretary for Acquisition and Materiel Management, and to provide for further delegations of certain acquisition issues. This document also changes certain VA positions to reflect the correct titles.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Wanza Lewis, Acquisition Policy Division (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–4424.

SUPPLEMENTARY INFORMATION: This final rule consists of agency organization and, consequently, pursuant to 5 U.S.C. 553, is exempt from notice and comment and effective date provisions.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The rule would not directly affect any small entities. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects

48 CFR Part 801

Government procurement, Reporting and Recordkeeping requirements.

48 CFR Part 802

Government procurement.

48 CFR Part 803

Antitrust, Conflict of Interests, Government procurement.

48 CFR Part 806

Government procurement.

Approved: December 15, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 48 CFR parts 801, 802, 803 and 806 are amended as follows:

PART 801—VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM

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

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

2. Section 801.602 is revised to read as follows:

801.602 Contracting officers.

(a) Except as otherwise provided by law, VA regulations, VAAR and FAR,

the authority vested in the Secretary to do the following is delegated to the Senior Procurement Executive and is further delegated to the Procurement Executive:

(1) Execute, award, and administer contracts, purchase orders, and other agreements (including interagency agreements) for the expenditure of funds involved in the acquisition of personal property, service (including architect-engineer services), construction, issuing Government bills of lading, and for the sale of personal property, leases, sales agreements and other transactions;

(2) Prescribe and publish acquisition policies and procedures;

(3) Establish clear lines of contracting authority;

(4) Manage and enhance career development of the procurement work force;

(5) Examine, in coordination with the Office of Federal Procurement Policy, the procurement system to determine specific areas where Governmentwide performance standards should be established and applied, and to participate in the development of Governmentwide procurement policies, regulations and standards; and,

(6) Oversee the competition advocate program.

(b) Further delegation to execute, award, and administer contracts, purchase orders and other agreements will be made in accordance with the Contracting Officer Certification Program as prescribed in (VAAR) 48 CFR 801.670 and 801.690.

PART 802—DEFINITIONS OF WORDS AND TERMS

3. The authority citation for parts 801, 802, 803 and 806 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

4. In § 802.100 paragraph (b) is revised and new paragraph (c) is added to read as follows:

802.100 Definitions.

(a) * * *

(b) Procurement Executive means the Deputy Assistant Secretary for Acquisition and Materiel Management.

(c) Senior Procurement Executive means the Assistant Secretary for Management (004). The Senior Procurement Executive is responsible for the management direction of the VA acquisition systems.

PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

803.203 [Amended]

5. In § 803.203 paragraph (b) is amended by removing ''Director, Office of Procurement and Supply (90)'' and adding in its place ''Deputy Assistant Secretary for Acquisition and Materiel Management''.

803.303 [Amended]

6. Section 803.303 is amended by removing ''Director, Office of Procurement and Supply (90)'' and adding in its place ''Deputy Assistant Secretary for Acquisition and Materiel Management''.

PART 806—COMPETITION REQUIREMENTS

806.501 [Amended]

7. In § 806.501, paragraph (a) is amended by removing ''Deputy Director, Acquisition and Materiel Management'' and adding in its place ''Associated Deputy Assistant Secretary for Acquisitions (90A)''.

[FR Doc. 96–668 Filed 1–19–96; 8:45 am]

BILLING CODE 8320–01–P

Proposed Rules

Federal Register
Vol. 61, No. 14
Monday, January 22, 1996

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 26

Meeting Regarding Onsite Fitness-For-Duty Testing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of open meeting (Rescheduled).

SUMMARY: The Nuclear Regulatory Commission (NRC) will conduct an open meeting to discuss regulatory options under the provisions of 10 CFR Part 26 for performing onsite screening tests by the Washington Public Power Supply System (WPPS) of urine specimens collected by the Utilities Service Alliance (USA) members. The WPPS requested the meeting to discuss its proposed approach to conduct initial screening tests of urine specimens sent to them by USA members to determine which specimens are negative and need no further testing at an HHS-certified laboratory. A summary of the meeting will be prepared and will be available upon request.

This meeting was originally scheduled for January 11, 1996, but had to be postponed due to inclement weather.

DATES: The meeting will be held at 9:30 a.m. on January 31, 1996.

ADDRESSES: The meeting will be in Room 6–B11 at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

Dated at Rockville, Maryland this 11 day of January 1996.

For the Nuclear Regulatory Commission.

LeMoine J. Cunningham,

Chief, Safeguards Branch, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–678 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–246–AD]

Airworthiness Directives; Airbus Model A300 Series Airplanes (Excluding Model A300 B4–600 Series Airplanes)

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 all Airbus Model A300 series airplanes (excluding Model A300 B4–600 series airplanes), that currently requires certain structural inspections and modifications. This action would require additional structural inspections and modifications that have been identified as necessary to ensure the structural integrity of these airplanes as they approach their economic design goal. The actions specified by the proposed AD are intended to prevent degradation of the structural capability of the affected airplanes.

DATES: Comments must be received by March 1, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–246–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Phil Forde, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2146; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–246–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–246–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On December 27, 1991, the FAA issued AD 92–02–09, amendment 39–8145 (57 FR 8257, March 9, 1992), applicable to all Airbus Model A300 series airplanes (excluding Model A300 B4–600 series airplanes), to require certain structural inspections and modifications. That action was prompted by reports of incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. These incidents have jeopardized the airworthiness of the affected airplanes. The requirements

of that AD are intended to prevent degradation of the structural capability of the affected airplanes.

Since the issuance of that AD, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has advised the FAA that additional structural inspections and modifications have been identified that are necessary in order to ensure the continuing structural integrity of the aging Model A300 fleet.

Explanation of Revised Service Information

Airbus has issued revisions of several of the service bulletins that currently are referenced in AD 92–02–09 as sources of service information. They are:

1. Airbus Service Bulletin A300–53–103, Revision 5, dated February 23, 1994, which describes procedures for repetitive visual inspections to detect cracks or other discrepancies in the junction seat tracks and dummy hinged seat tracks of the center section of the fuselage, and repair, if necessary.

2. Airbus Service Bulletin A300–53–162, Revision 5, dated March 17, 1994, which describes procedures for repetitive detailed visual external inspections to detect cracks of the left- and right-hand doubler angles, cracks of Hi-Lok fasteners securing the doubler angle, and cracks or stretching of the fastener heads; and various follow-on actions, if necessary. (The follow-on actions include replacement of the doubler angle; replacement of the fasteners; eddy current or rotating probe inspections to detect cracks of the fasteners; eddy current inspections to detect cracks or distortion of the attach holes; opening the attach holes to oversize the diameter, installation of certain fasteners; and eddy current inspections of the doubler angle pick-up holes to detect cracks or distortion.)

3. Airbus Service Bulletin A300–53–196, Revision 1, dated November 12, 1990, as amended by Service Bulletin Change Notice 1.A., dated February 4, 1991, which describes procedures for repetitive inspections using various inspection techniques to detect cracks of certain fastener holes, and repair, if necessary. (The inspections include ultrasonic, rototest eddy current, and manual eddy current techniques.) The actions described in the service bulletin are to be accomplished following the accomplishment of those described in Airbus Service Bulletin A300–53–194.

4. Airbus Service Bulletin A300–53–278, Revision 1, dated March 17, 1994, which describes procedures for repetitive eddy current inspections to detect cracks of the lower radius of the aft window frame at frame 10 in the flight compartment, and repair, if necessary.

5. Airbus Service Bulletin A300–54–045, Revision 6, dated February 25, 1994, which describes procedures for repetitive internal and external visual inspections to detect cracks and looseness of the bolt/nut assemblies between RIB8 and RIB18, and replacement of cracked or loose bolt/nut assemblies with new parts.

6. Airbus Service Bulletin A300–54–060, Revision 3, dated February 25, 1994, which describes procedures for repetitive intensive visual inspections to detect damage of the hinge fittings and the associated fasteners of the fan reverser cowl, and replacement of damaged parts with new parts.

7. Airbus Service Bulletin A300–54–063, Revision 2, dated February 25, 1994, which describes procedures for repetitive detailed visual inspections to detect damage of the hinge fittings and the associated fasteners of the fan reverser cowl, and replacement of damaged parts with new parts.

8. Airbus Service Bulletin A300–54–066, Revision 2, dated February 25, 1994, which describes procedures for repetitive external visual inspections to detect cracks and damage of the skin panel (on both the outboard and inboard sides) around the first core cowl fitting at RIB6, and various follow-on actions, if necessary. (The follow-on actions include inspection of the bolts of the second core cowl fitting at RIB9, reinforcement of the skin panel at RIB6, and replacement of damaged parts.)

9. Airbus Service Bulletin A300–53–126, Revision 8, dated September 18, 1991, which describes procedures for reinforcing the strap and longitudinal joint between frames 72 and 80. Revision 8 of the service bulletin was issued to remove an inspection that was specified previously for accomplishment prior to installing Modification 2525.

10. Airbus Service Bulletin A300–53–226, Revision 5, dated September 7, 1991, which describes procedures for modifying the aft pressure bulkhead of the fuselage to improve corrosion protection. Revision 5 of the service bulletin was issued only to indicate that the DGAC classified this service bulletin as mandatory.

Explanation of Other Pertinent Service Information

Since the issuance of AD 92–02–09, Airbus also has issued the following service bulletins that are not referenced in AD 92–02–09, but relate to modifications and inspections deemed necessary for the continuing structural integrity of the fleet:

11. Airbus Service Bulletin A300–57–0194, Revision 2, including Appendix 1, dated August 19, 1993, which describes procedures for modification of the bottom boom at the stringer 8 runout plate on ribs 10 and 11 of the front spar of the wing. The modification involves removing the termination plate on stringer 8 and the termination cleat on rib 10 to stringer 8; machining off the integral rib foot at the stringer at rib 10 and replacing it with a new cleat; reprofiling and thinning down the end of stringer 8 at rib 10 in two stages; changing the existing bolts to the next nominal size or oversizing in the cold-expanded interference fit holes; and, if installed, replacing the existing tack rivet with a bolt. Accomplishment of this service bulletin further improves Modification 7811; this modification is required currently by AD 92–02–09 (reference Airbus Service Bulletin A300–57–165).

12. Airbus Service Bulletin A300–57–166, Revision 3, including Appendix 1, dated July 12, 1993, which describes procedures for cold expansion of certain spar holes on the front and center of the wings. Accomplishment of these procedures will reduce the probability of cracking in these areas of the wings.

13. Airbus Service Bulletin A300–57–0167, Revision 1, including Appendix 1, dated May 25, 1993, which describes procedures for modification of the bottom boom between ribs 6 and 7 and between ribs 8 and 9 of the front spar of the wings. The modification includes removing the bolts on the bottom boom; drilling out holes to allow for certain bolts to be fitted; inspecting the holes for cracks; cold expanding the bolt holes; installing new bolts into the cold-expanded holes; drilling, reaming, countersinking, and installing Taper-lok bolts; repairing damage to the fuel tank sealant; and performing a fuel leak test. Accomplishment of the modification will reduce the probability of cracks in these areas of the wings.

14. Airbus Service Bulletin A300–57–0168, Revision 3, including Appendix 1, dated November 22, 1993, which describes procedures for modification of the bottom boom in certain areas between ribs 1 and 9 of the rear spar of the wings. The modification involves draining and venting the fuel tanks in the wings; removing the existing bolts from the affected area; and either cold expanding the holes for transition fit bolts, or drilling, reaming, and countersinking for Taper-lok bolts. Accomplishment of the modification will reduce the probability of cracks in these areas of the wings.

15. Airbus Service Bulletin A300–57–0180, Revision 1, dated March 29, 1993,

which describes procedures for cold working the sealing angles of the center spar outboard of rib 8 adjacent to the pylon attachment fitting. These procedures include draining and venting the fuel tanks in the wings; removing any skin attachment bolts that obstruct access to the bolts in the vertical flange of the sealing angle; removing nine bolts from the vertical flange of the sealing angle and remachining the spot faces; cold expanding the nine bolt holes in the vertical flange; installing oversize bolts in the vertical flange; installing new oversize bolts at the skin attachment positions, if necessary; and repairing the damage to the fuel tank sealant. Accomplishment of these procedures will lower the probability of a reduction in the flight loading residual strength of the structure below the acceptable level due to cracking in the vertical web of a sealing angle in the center spar.

16. Airbus Service Bulletin A300–57–0185, Revision 1, including Appendix 1, dated March 8, 1993, which describes procedures for replacing the attachment bolts on the bottom skin of the front spar of the wings between ribs 1 and 6. Accomplishment of the replacement involves removing the existing bolts between ribs 1 and 6; cold expanding the holes; and installing certain new bolts. Accomplishment of this replacement will improve the fatigue life of the bottom boom on the front spar of the wing.

17. Airbus Service Bulletin A300–54–0084, dated April 21, 1994, which describes procedures for repetitive ultrasonic inspections to detect sheared rivets on the outer side lateral panels between ribs 12 and 18 of the pylon, and replacement of sheared rivets with new rivets.

The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 90–222–116(B)R2, dated July 6, 1994, and 93–154–149(B), dated September 15, 1993, in order to assure the continued airworthiness of these airplanes in France.

Explanation of the Provisions of the Proposed AD

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 92–02–09. It would continue to require the structural inspections and modifications specified in AD 92–02–09, and would require other additional structural inspections and modifications, as well. The new proposed actions would be required to be accomplished in accordance with the service bulletins described previously.

Economic Impact

The FAA estimates that 4 airplanes of U.S. registry would be affected by this proposed AD.

The recurring inspections, which were required by AD 92–02–09 and continue to be required by this proposed AD, take approximately 196 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost for required parts is $2,000. Based on these figures, the cost impact of these recurring inspections on U.S. operators is estimated to be $13,760 per airplane, or $55,040 for the affected U.S. fleet.

The recurring inspection procedures that are added by this new AD action would require approximately 196 additional work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost for required parts is $2,000. Based on these figures, the added recurring inspection cost impact of this proposed AD on U.S. operators is estimated to be $13,760 per airplane, or $55,040 for the affected U.S. fleet.

The modifications required by AD 92–02–09, which continue to be required by this proposed AD, take approximately 316 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost for required parts is $72,000. Based on these figures, the cost of this modification on U.S. operators is estimated to be $90,960 per airplane, or $363,840 for the affected U.S. fleet.

The modifications that are added by this proposed AD action would require approximately 1,599 additional work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost for required parts is $145,000. Based on these figures, the added modification cost impact of this proposed AD on U.S. operators is estimated to be $240,940 per airplane, or $963,760 for the affected U.S. fleet.

Based on the figures discussed above, the cost impact of all of the requirements of this proposed AD is estimated to be $418,880 for the recurring inspections and modifications required by AD 92–02–09, plus $1,018,800 for the additional inspections and modifications required by this proposed AD. These cost impact figures assume that no operator has yet accomplished any of the requirements of this proposed AD. However, it can be reasonably assumed that the majority of affected operators have already initiated the inspections and modifications required by AD 92–02–09, and many may have already initiated the additional inspections and modifications that are proposed by this new AD action.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8145 (57 FR 8257, March 9, 1992), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 94–NM–246–AD. Supersedes AD 92–02–09, Amendment 39–8145.

Applicability: All Model A300 series airplanes, excluding Model A300 B4–600 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent degradation of the structural capability of the airplane, accomplish the following:

(a) Accomplish the inspections and modifications contained in the Airbus service bulletins listed below prior to or at the thresholds identified in each of those service bulletins, or within 1,000 landings or 12 months after April 13, 1992 (the effective date of AD 92–02–09, amendment 39–8145), whichever occurs later. Required inspections shall be repeated thereafter at intervals not to exceed those specified in the corresponding service bulletin for the inspection. After the effective date of this AD, the actions shall only be accomplished in accordance with the latest revision of the service bulletins specified.

(1) Airbus Service Bulletin A300–53–103, Revision 4, dated June 30, 1983; or Revision 5, dated February 23, 1994;

(2) Airbus Service Bulletin A300–53–126, Revision 7, dated November 11, 1990; or Revision 8, dated September 18, 1991;

(3) Airbus Service Bulletin A300–53–146, Revision 7, dated April 26, 1991;

Note 2: Airbus Service Bulletin A300–53–146 provides for a compliance threshold of within 5 years after the date of issuance of French airworthiness directive 90–222–116(B), issued on December 12, 1990, the accomplishment of which is required by AD 85–07–09, amendment 39–5033.

(4) Airbus Service Bulletin A300–53–162, Revision 4, dated November 12, 1990; or Revision 5, dated March 17, 1994;

(5) Airbus Service Bulletin A300–53–196, Revision 1, dated November 12, 1990; or Revision 2, dated November 12, 1990, as amended by Service Bulletin Change Notice 1.A., dated February 4, 1991;

Note 3: Airbus Service Bulletin A300–53–196 provides for a compliance threshold of within 6,000 landings after accomplishment of Airbus Service Bulletin A300–53–194, accomplishment of which is required by AD 87–04–12, amendment 39–5536.

(6) Airbus Service Bulletin A300–53–225, Revision 2, dated May 30, 1990;

(7) Airbus Service Bulletin A300–53–226, Revision 4, dated November 12, 1990; or Revision 5, dated September 7, 1991;

Note 4: Airbus Service Bulletin A300–53–226 provides for a compliance threshold of within 5 years after the issuance of French airworthiness directive 90–222–116(B), issued on December 12, 1990; but not later than 20 years after first delivery; the accomplishment of which is required by AD 90–03–08, amendment 39–6481.

(8) Airbus Service Bulletin A300–53–278, dated November 12, 1990; or Revision 1, dated March 17, 1994;

(9) Airbus Service Bulletin A300–54–045, Revision 4, dated January 31, 1990; or Revision 6, dated February 25, 1994;

(10) Airbus Service Bulletin A300–54–060, Revision 2, dated September 7, 1988, and Change Notice 2.A., dated February 13, 1990; or Revision 3, dated February 25, 1994;

(11) Airbus Service Bulletin A300–54–063, Revision 1, dated April 22, 1987, and Change Notice 1.A., dated February 13, 1990; or Revision 2, dated February 25, 1994; and

(12) Airbus Service Bulletin A300–54–066, Revision 1, dated February 15, 1989, and Change Notice 1.A., dated February 13, 1990; or Revision 2, dated February 25, 1994.

(b) Accomplish the inspections and modifications contained in the Airbus service bulletins listed below prior to or at the thresholds identified in each of those service bulletins, or within 1,000 landings or 12 months after the effective date of this AD, whichever occurs later. Required inspections shall be repeated thereafter at intervals not to exceed those specified in the corresponding service bulletin for the inspection.

(1) Airbus Service Bulletin A300–57–0194, Revision 2, including Appendix 1, dated August 19, 1993;

Note 5: Airbus Service Bulletin A300–57–0194 provides for a compliance threshold of prior to the accumulation of 36,000 landings for Model A300 B2 series airplanes on which the modification described in Airbus Service Bulletin A300–57–165 has not been accomplished and for Model A300 B2 series airplanes on which that modification has been accomplished prior to the accumulation of 24,000 landings on the airplane. Airbus Service Bulletin A300–57–0194 also provides for a compliance threshold of prior to the accumulation of 12,000 landings after the accomplishment of Airbus Service Bulletin A300–57–165 (for Model A300 B2 series airplanes on which the modification described in Airbus Service Bulletin A300–57–165 has been accomplished on or after the accumulation of 24,000 landings on the airplane).

(2) Airbus Service Bulletin A300–57–166, Revision 3, including Appendix 1, dated July 12, 1993;

(3) Airbus Service Bulletin A300–57–0167, Revision 1, including Appendix 1, dated May 25, 1993;

(4) Airbus Service Bulletin A300–57–0168, Revision 3, including Appendix 1, dated November 22, 1993;

(5) Airbus Service Bulletin A300–57–0180, Revision 1, dated March 29, 1993;

(6) Airbus Service Bulletin A300–57–0185, Revision 1, including Appendix 1, dated March 8, 1993; and

Note 6: The Airbus service bulletins specified in paragraphs (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6) of this AD provide for a compliance threshold of prior to the accumulation of 36,000 landings (for Model A300 B2 series airplanes); 30,000 landings (for Model A300 B4–100 series airplanes); and 25,000 landings (for Model A300 B4–200 series airplanes) after the effective date of French airworthiness directive 93–154–149(B), issued on September 15, 1993.

(7) Airbus Service Bulletin A300–54–0084, dated April 21, 1994.

(c) If any discrepant condition identified in any service bulletin referenced in this AD is found during any inspection required by this AD, prior to further flight, accomplish the corresponding corrective action specified in the service bulletin.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on January 12, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–590 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–CE–54–AD]

Airworthiness Directives; Bellanca, Incorporated Models 17–30, 17–30A, 17–31, 17–31A, 17–31TC, and 17–31ATC Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Bellanca, Incorporated (Bellanca) Models 17–30, 17–30A, 17–31, 17–31A, 17–31TC, and 17–31ATC airplanes. The proposed action would require repetitively inspecting, testing, and possibly replacing the nose landing gear (NLG) strut and brackets. A collapse of a Bellanca airplane's NLG during a landing prompted the proposed AD action. The actions specified by the proposed AD are intended to prevent possible failure of the nose landing gear, which, if not detected and corrected, could result in loss of control of the airplane during landing operations.

DATES: Comments must be received on or before March 20, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–54–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Bellanca, Incorporated, P.O. Box 964, Alexandria, Minnesota 56308; telephone (612) 762–1501. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Steven J. Rosenfeld, Aerospace Engineer, Airframe Branch, Chicago Aircraft Certification Office, 2300 East Devon Avenue, Rm. 232, Des Plaines, Illinois 60018; (708) 294–7030; facsimile (708) 294–7834.

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 that summarizes 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–CE–54–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, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–54–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

FAA has received a report of the nose landing gear (NLG) on a Bellanca Model 17–30A airplane collapsing during a landing. The collapse was caused by the NLG right drag strut bracket, part number (P/N) 194383–10, separating from the fire wall. A metallurgic examination found that this bracket broke into three pieces at two fracture locations and evidence showed that the fractures resulted from fatigue cracking originating from multiple sites along the forward and aft faces of the bracket. The cracks are occurring because of high loads feeding into the brackets due to incorrect landing gear rigging and the NLG wheel contacting the NLG wheel well before the NLG actuator reaches its stroke limit. An investigation revealed that these cracks could lead to the collapse of the NLG during ground operations and during landing operations. Similar reports of cracks and bends in the drag strut brackets (P/N 194383–0 Left and 194383–10 Right) have been received, but none of these owner/operators reported collapsing during landing operations.

Bellanca, Inc. has issued Service Letter (SL) B–107 which specifies procedures for inspecting the NLG drag strut and brackets for cracks, conducting a rigging and landing gear ''In-the Well'' test, and modifying the NLG cylinder.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent possible failure of the nose landing gear, which, if not detected and corrected, could result in loss of control of landing operations.

Since an unsafe condition has been identified that is likely to exist or develop in other Bellanca Models 17–30, 17–30A, 17–31, 17–31A, 17–31TC, and 17–31ATC of the same type design, the proposed AD would require inspecting, testing, and possibly replacing and modifying the nose landing gear strut brackets. Accomplishment of the proposed actions would be in accordance with Bellanca SL B–107, dated September 20, 1995.

The FAA estimates that 1,109 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 24 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost

approximately $160 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,774,400 or approximately $1,600 per airplane. Bellanca has informed the FAA that no parts have been distributed to owner/operators for this replacement; therefore, this figure is based on the assumption that no owners/operators have accomplished the proposed inspection, testing, and replacement. In addition, the FAA has no way of determining the number of repetitive inspections each owner/operator will incur prior to replacing the bracket.

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 action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bellanca Incorporated: Docket No. 95–CE–54–AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Model	Serial Nos.
17–30	(Serial number 30123 through 30262.)
17–30A	(Serial number 30263 through 78–30905, except 76–30824.)
17–31	(Serial number 32–1 through 32–14.)
17–31A	(Serial number 32–15 through 78–32172.)
17–31TC	(Serial number 31001 through 31003.)
17–31ATC	(Serial number 31004 through 79–31155.)

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required initially upon accumulating 500 hours time-in-service (TIS) or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished, and thereafter as indicated in the body of this AD.

To prevent failure of the nose landing gear (NLG), which, if not detected and corrected, could result in loss of control of the airplane during landing operations.

(a) Inspect the NLG drag strut brackets for cracks or bends in accordance with the instructions in section 4 NLG DRAG STRUT BRACKET INSPECTION of Bellanca Service Letter (SL) B–107, dated September 20, 1995. Prior to further flight, replace any cracked or bent bracket with a part number (P/N) 194650–0 (right side) bracket or a P/N 194383–0 (left side) bracket in accordance with instructions in section 5. INSTALLATION NEW BRACKETS of Bellanca SL B–107, dated September 20, 1995.

(b) Inspect the NLG installation, including the upper and lower leg assemblies, upper and lower drag struts, over-center spring assembly, and engine mount; for corroded or worn bolts in accordance with the instructions in Section 6. NLG DRAG STRUT INSPECTION of Bellanca SL B–107, dated September 20, 1995. Prior to further flight, replace any corroded or worn bolts.

(c) Check the NLG drag strut rigging, the overcenter of the drag strut, and the NLG cylinder actuator stroke limit, and adjust any discrepancies in accordance with the applicable instructions contained in the following:

(1) Section 7. PRELIMINARY NLG DRAG STRUT RIGGING CHECK (including section 7.1 Preliminary Nose-Wheel-In-The-Well Test and section 7.2 Preliminary NLG Cylinder Down Test) of Bellanca SB B–107, dated September 20, 1995.

(2) Section 8. DRAG STRUT OVERCENTER TEST AND ADJUSTMENT of Bellanca SL B–107, dated September 20, 1995.

(3) Section 9. NLG CYLINDER DOWN TEST AND ADJUSTMENT of Bellanca SL B–107, dated September 20, 1995.

(d) If any discrepancies were found during any of the checks accomplished as required by paragraph (c) of this AD and the right side NLG drag strut bracket has not been replaced with P/N 194650–0 (accomplished as possible requirement of paragraph (a) of this AD), accomplish the following:

(1) Reinspect the NLG drag strut brackets for cracks or bends at intervals not to exceed 50 hours TIS in accordance with Section 4 NLG DRAG STRUT BRACKET INSPECTION of Bellanca SL B–107, dated September 20, 1995.

(2) Prior to further flight, replace any cracked or bent bracket with a P/N 194650–0 (right side) bracket or a P/N 194383–0 (left side) bracket in accordance with the instructions in section 5. INSTALLATION NEW BRACKETS of Bellanca SL B—107, dated September 20, 1995. Installing the P/N 194650–0 (right side) bracket eliminates the repetitive inspection requirement of this AD.

(3) The P/N 194650–0 (right side) bracket may be installed at any time to eliminate the repetitive inspection requirement of this AD.

(e) Check the NLG retraction (NLG-In-The-Well Test) in accordance with the instruction in Section 10. NLG-IN-THE-WELL TEST AND NLG CYLINDER MODIFICATION of Bellanca SL B–107, dated September 20, 1995. If the nose gear cylinder rod motion is greater than 0.015 inches, prior to further flight, replace the cylinder internal stroke limiting sleeve with a new sleeve, P/N 195577–4, in accordance with the instructions in Section 10. NLG-IN-THE-WELL TEST AND NLG CYLINDER MODIFICATION of Bellanca SL B–107, dated September 20, 1995.

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

(g) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Chicago Aircraft Certification Office, 2300 East Devon Avenue, Rm. 232, Des Plaines, Illinois 60018. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Chicago 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 Chicago Aircraft Certification Office.

(h) All persons affected by this directive may obtain copies of the document referred to herein upon request to Bellanca, Incorporated, P. O. Box 964, Alexandria, Minnesota 56308; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on January 10, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–636 Filed 1–19–96; 8:45 am]

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14 CFR Part 39

[Docket No. 93–CE–54–AD]

Airworthiness Directives; Cessna Aircraft Company Engine Oil Filter Adapter Assemblies Installed on Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD) that would have required the following on aircraft equipped with certain engine oil filter adapter assemblies manufactured by the Cessna Aircraft Company (Cessna): repetitively inspecting the engine oil filter adapter assembly or torque putty if installed, and replacing any oil filter adapter assembly with oil leakage or security problems. Since issuance of the proposed AD, the Federal Aviation Administration (FAA) has determined that the proposed action should apply to all oil filter adapter assemblies manufactured by Cessna and installed on aircraft. The FAA has also determined that the procedures specified to accomplish the proposed AD should be revised and, that, based on comments submitted on the NPRM, other changes to the AD should be incorporated. Since the addition of oil filter adapter assembly part numbers to the proposal expands the scope of what was originally proposed, the FAA is allowing the public additional time for public comment. The actions specified by the proposed AD are intended to prevent loss of engine oil caused by loose or separated oil filter adapters, which, if not detected and corrected, could result in engine stoppage while in flight and loss of control of the airplane.

DATES: Comments must be received on or before March 21, 1996.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–54–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Information that relates to the proposed AD may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4143; facsimile (316) 946–4407.

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 that summarizes 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. 93–CE–54–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRMs

Any person may obtain a copy of this supplemental NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–54–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to airplanes utilizing a Cessna engine oil filter adapter assembly, part number 0450404–1, 0450404–3, 0556004–1, 0556010–1, 1250403–6, 1250922–1, or 1250922–2, was published in the Federal Register on September 19, 1994 (59 FR 47821). The action proposed to require (1) applying torque putty between the engine oil filter adapter assembly, nut, and oil pump housing; (2) inspecting the oil filter adapter assembly for oil leakage and proper installation of the adapter retaining nut and fretting of associated threads (security), and replacing any oil filter and adapter assembly with oil leakage or security problems; and (3) repetitively inspecting the torque putty for cracks or misalignment, and reinspecting the oil filter adapter assembly if misalignment or torque putty cracks are found.

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

One commenter recommends that the FAA require a one-time modification rather than relying on repetitive inspections to eliminate the unsafe condition of loose oil filter adapter assemblies. This commenter states that the repetitive inspections become too time-consuming and expensive, and that a one-time modification would eliminate both of these problems. The FAA concurs that, for the most part, a one-time modification is less time-consuming and less expensive than repetitive inspections. The FAA also believes that if the one-time modification provides an equivalent level of safety to the repetitive inspections, then the chance of further damage to the aircraft is less likely by incorporating the modification than by accomplishing repetitive inspections of the affected engine oil filter adapter assemblies. However, in this case, a one-time modification for the engine oil filter adapter assemblies is not available. If one becomes available that the FAA determines provides an equivalent level of safety to that provided by the repetitive inspections, further rulemaking action may be taken. Until such a modification is developed, the FAA has determined that repetitive inspections of the affected engine oil filter adapter assemblies are necessary. The notice of proposed rulemaking (NPRM) is unchanged as a result of this comment.

Two commenters recommend that the FAA revise the NPRM to give inspection credit for those airplanes already equipped with torque putty. One of these commenters states that the initial removal of the engine oil filter adapter is not necessary as long as the torque putty applied at the last installation is not cracked or otherwise compromised. The FAA concurs. The NPRM was written to require torque putty application to aid in repetitive inspections. The intent was to provide ''unless already accomplished'' credit for the initial inspection for airplanes already equipped with torque putty, and then require repetitive inspections of the torque putty provided no misalignment, evidence of oil leakage, or torque putty cracks are found. Removal of the engine oil filter and inspection of the oil adapter threads would be required if misalignment, evidence of oil leakage, or torque putty cracks are found during any of the torque putty repetitive inspections. The NPRM has been revised accordingly.

The Twin Commander Aircraft Corporation (Twin Commander) requests that the NPRM not reference certain Twin Commander airplane models. Twin Commander states that while it holds a type certificate for Models 500A and 685D, it does not hold a type certificate for the Models 200D, 500C, and 500D airplanes, and is not aware of these models being type certificated for operation in the United States. The FAA concurs and has deleted all reference to Twin Commander Models 200D, 500C, and 500D airplanes from the proposal.

The Cessna Pilots Association (CPA) recommends that the FAA include a drawing in the NPRM to aid in accomplishing the proposed AD. The FAA concurs, and has developed and incorporated Figure 1 into the proposal.

The CPA states that the AD should not reference accomplishment of any actions in accordance with Cessna Service Bulletin (SB) SEB93–1, dated January 29, 1993. This service bulletin does not include procedures for accomplishing any of the proposed actions. In addition, the CPA provides proposed procedures for inspecting the engine oil filter adapter assemblies and applying and inspecting the torque putty. The FAA concurs that Cessna SB SEB93–1, dated January 29, 1993, does not specify procedures for accomplishing the proposed actions, and the FAA has removed reference to the service bulletin from the AD. The FAA utilized the procedures submitted by the CPA in revising the proposal.

In addition, the CPA states that the pilot should be allowed to accomplish the repetitive inspections of the torque putty. The FAA concurs that the pilot may inspect the torque putty for misalignment, evidence of oil leakage, or torque putty cracks, as specified in section 43.7(f) of the Federal Aviation Regulations (14 CFR 43.7). The proposal has been revised accordingly.

Cessna recommends that the FAA revise the proposal to include additional engine oil filter adapter assembly part numbers. The FAA concurs and has revised the applicability of the proposed AD to include these additional engine oil filter adapter assembly part numbers.

After examining the circumstances and reviewing all available information related to the subject described above including the comments received, the FAA has determined that the NPRM should be revised and that AD action should still be taken to prevent loss of engine oil caused by loose or separated oil filter adapters assemblies, which, if not detected and corrected, could result in engine stoppage while in flight and loss of control of the airplane.

Since the revision of the NPRM to add certain engine oil filter adapter assembly part numbers goes beyond the scope of what was already proposed, the FAA is reopening the comment period to allow the public additional time to comment on this proposed action.

Since an unsafe condition has been identified that is likely to exist or develop in other airplanes of any type design that utilize any Cessna engine oil filter adapter, the proposed AD would require (1) inspecting the oil filter and adapter assembly (or torque putty, if installed) for oil leakage and proper installation of the adapter retaining nut and fretting of associated threads (security), and replacing any oil filter adapter assembly with security problems; (2) applying torque putty between the engine filter adapter assembly, nut, and oil pump housing (unless already equipped with torque putty); and (3) repetitively inspecting the torque putty for misalignment, evidence of oil leakage, or torque putty cracks, and reinspecting the oil filter and adapter assembly threads if misalignment, evidence of oil leakage, or torque putty cracks are found.

The FAA estimates that 70,000 airplanes in the U.S. registry incorporate one of the affected engine oil filter adapter assemblies and would, therefore, be affected by the proposed AD; that it would take approximately 1 workhour per airplane to accomplish the proposed initial inspection and torque putty application; and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,200,000. This figure is based on the assumption that no operator has accomplished the proposed initial inspection, and does not take into account the cost for the proposed repetitive inspections. Since the pilot would be allowed to repetitively inspect the torque putty, the only cost of the proposed repetitive inspections would be the time incurred by the pilot and the cost of an inspection required if misalignment, evidence of oil leakage, or torque putty cracks are found. The FAA has no way of determining how many repetitive inspections each individual operator would incur over the life of the airplane.

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 action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 has been placed 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 adding a new airworthiness directive (AD) to read as follows:

Cessna Aircraft Company: Docket No. 93–CE–54–AD.

Applicability: Engine Oil Filter Adapters Assemblies, part numbers 0450404-(all dash numbers), 0556004-(all dash numbers), 0556010-(all dash numbers), 0756023-(all dash numbers), 0756024-(all dash numbers), 1250403-(all dash numbers), 1250417-(all dash numbers), 1250418-(all dash numbers), 1250921-(all dash numbers), and 1250922-(all dash numbers), installed on, but not limited to, the following:

(1) Cessna Model 100, 200, 300, and 400 Series airplanes (all serial numbers) equipped with at least one Teledyne Continental Motors (TCM) engine.

(2) Airplanes that have an affected full flow engine oil adapter installed by field approval, including, but not limited to, the following model or series airplanes:

Manufacturer	Series/models
Rockwell/Aero Commander/Meyers.	200 Series.
Twin Commander	Models 500A and 685.
Beech	33, 35, 36, and 55 Series.
Piper	PA46 Series.
Navion	Rangemaster 17 Series.
Wren	Model 460.
Bellanca	260 and 300 Series.

(3) Airplanes equipped with any of the following Teledyne Continental Motors model or model series engines:

O–200
TSIO–470
TSIO–520
TSIO–550
O–470
O–520
GTSIO–520
IO–470
IO–520
IO–550

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: This AD does not apply to engine oil filter adapter assemblies manufactured by Teledyne Continental Motors (See Figure 1 of this AD).

Compliance: Required initially as specified in both of the following, and thereafter as indicated in the body of this AD:

1. Within the next 100 hours time-in-service (TIS) after the effective date of this AD or when the engine oil filter is removed, whichever occurs first; and

2. Every time the engine oil filter is removed.

To prevent loss of engine oil caused by loose or separated oil filter adapters, which could result in engine stoppage while in flight and loss of control of the airplane, accomplish the following:

(a) For airplanes with engine oil filter adapter assemblies that do not have torque putty between the engine filter adapter assembly, nut, and oil pump housing, accomplish the following:

(1) Inspect the adapter locking nut installation for evidence of oil leakage.

(2) Check the torque of the adapter nut installation and ensure that the torque value is within the limits of 50 through 60 pounds.

(3) If evidence of oil leakage is found or the torque is not within the 50 through 60-pound limit, prior to further flight, remove the adapter and filter assembly, and:

(i) Inspect the threads of the adapter assembly and engine for signs of damaged or cracked threads; and

(ii) Replace any adapter assembly and engine oil pump housing (if necessary) that have evidence of thread damage or cracks.

(4) Apply torque putty between the engine filter adapter assembly, nut, and oil pump housing as specified in Figure 1 of this AD.

(5) Reassemble the engine oil filter assembly.

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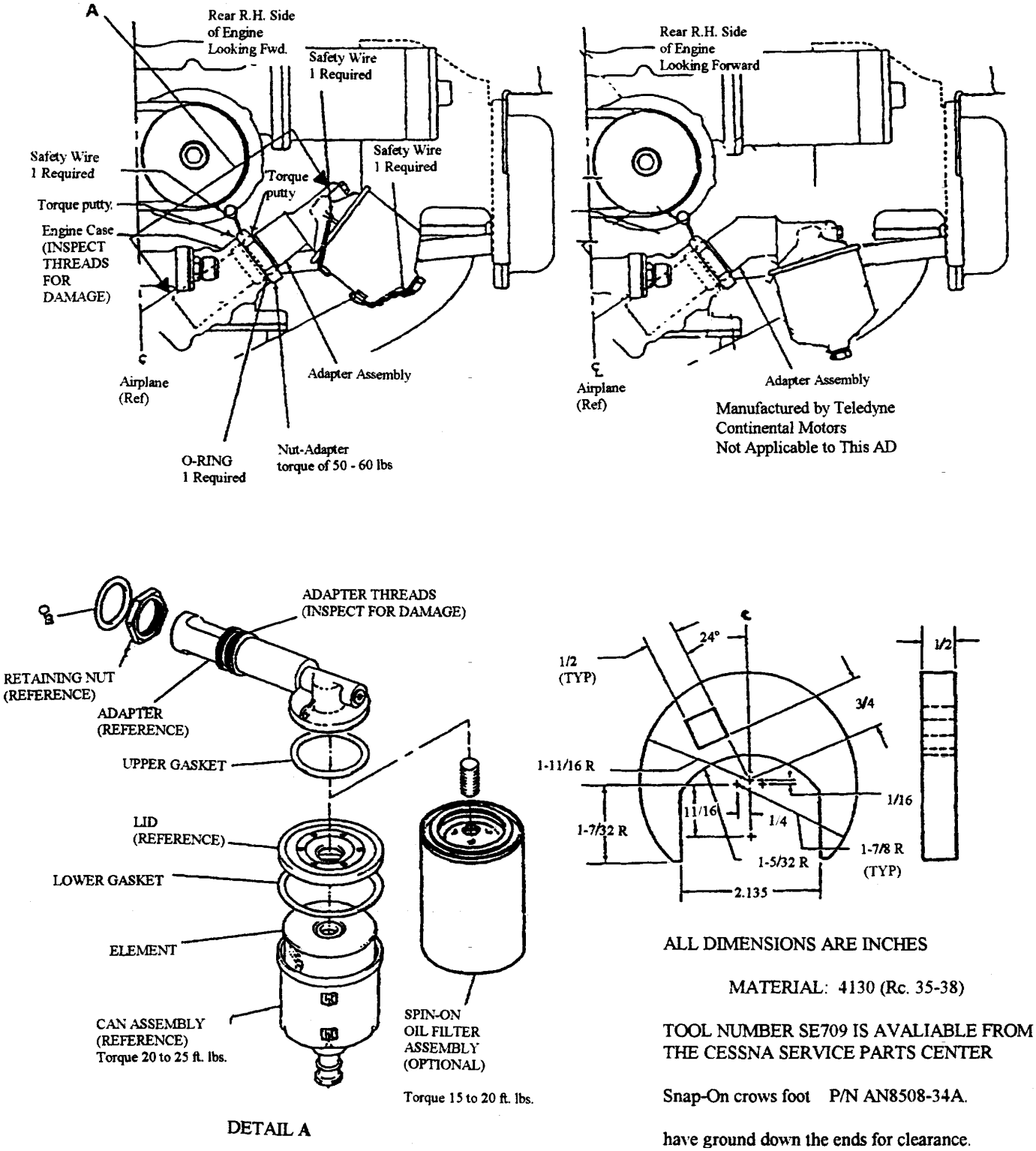

Figure 1. Oil Filter Adapter Installation

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(b) For airplanes with torque putty between the engine filter adapter assembly, nut, and oil pump housing, inspect the torque putty for misalignment, evidence of oil leakage, or cracks.

(1) If any misalignment, evidence of oil leakage, or torque putty cracks are found, prior to further flight, accomplish the requirements specified in paragraph (a) of this AD, including all subparagraphs.

(2) If no misalignment, evidence of oil leakage, or torque putty cracks are found, reinspect at intervals not to exceed 100 hours TIS until the engine oil filter is removed.

(c) Replacing the engine oil filter adapter assembly does not eliminate the repetitive inspection requirement of this AD.

(d) The repetitive inspections of the torque putty as required by this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(g) Information related to this AD may be examined in this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on January 5, 1996.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–480 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–13–U

FEDERAL TRADE COMMISSION

16 CFR Chapter I

Notice of Intent To Request Public Comments on Rules and Guides

AGENCY: Federal Trade Commission.

ACTION: Notice of intent to request public comments.

SUMMARY: As part of its systematic review of all current Commission regulations and guides, the Federal Trade Commission (''Commission'') gives notice that it intends to request public comments on the rules and guides listed below during 1996. The Commission will request comments on, among other things, the economic impact of, and the continuing need for, the rules or guides, possible conflict between the rules or guides and state, local, or other federal laws or regulations, and the effect on the rules or guides of any technological, economic, or other industry changes. No Commission determination on the need for or the substance of a rule, regulation, guide, or interpretation, or any other procedural option, should be inferred from the intent to publish requests for comments. In certain instances the reviews also will address other specific matters or issues.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the Commission's contact person(s) listed for each particular item.

SUPPLEMENTARY INFORMATION: The Commission is publishing a list of rules and guides that it intends to initiate reviews of and solicit public comments on during 1996.

Agency Contact for the Following Item: Jessica D. Gray, Boston Regional Office, Suite 810, 101 Merrimac St., Boston, MA 02114–4719, (617) 424–5960.

(1) Guides for Mirror Industry (16 CFR Part 21).

Agency Contact for the Following Items: Carole I. Danielson, Federal Trade Commission, Bureau of Consumer Protection, Division of Marketing Practices, Room H–238, Sixth Street and Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3115.

(2) Guides for the Advertising of Warranties and Guarantees (16 CFR Part 239).

(3) Interpretations of Magnuson-Moss Warranty Act (16 CFR Part 700).

(4) Disclosure of Written Consumer Product Warranty Terms and Conditions (16 CFR Part 701).

(5) Pre-Sale Availability of Written Warranty Terms (16 CFR Part 702).

Agency Contacts for the Following Item: Joseph J. Koman, Jr., Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S–4302, 601 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3014, or Walter Gross III, Federal Trade Commission, Bureau of Consumer Protection, Division of Service Industry Practices, Room H–200, Sixth Street and Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3319.

(6) Guides for Private Vocational and Home Study Schools (16 CFR Part 254).

Agency Contact for the Following Item: Neil J. Blickman, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, Room S–4302, Sixth Street and Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3038.

(7) Trade Regulation Rule Concerning Deceptive Advertising and Labeling of Previously Used Lubricating Oil (16 CFR Part 406).

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

REGULATORY REVIEW—MODIFIED REVOLVING TEN-YEAR PLAN—ARRANGED BY YEAR FOR EACH REVIEW

I. 16 CFR part	II. Topic	III. Earliest/latest FR cities in CFR	IV. Year first issued if after 1981	V. Year reg. flex. review conducted	VI. Office to review	VII. Year to review	VIII. Old standard used	IX. Raises BC issues *	X. Miscellaneous comments
(5)	(35)	(10)	(9)	(9)	(8)	(8)	(9)	(7)	(70)
18	Nursery industry	1979			ENF	1992			
19	Metallic watch bands.	1979			ENF	1992			
23	Jewelry	1979			ENF	1992			

REGULATORY REVIEW—MODIFIED REVOLVING TEN-YEAR PLAN—ARRANGED BY YEAR FOR EACH REVIEW—Continued

I. 16 CFR part	II. Topic	III. Earliest/latest FR cities in CFR	IV. Year first issued if after 1981	V. Year reg. flex. review conducted	VI. Office to review	VII. Year to review	VIII. Old standard used	IX. Raises BC issues *	X. Miscellaneous comments
(5)	(35)	(10)	(9)	(9)	(8)	(8)	(9)	(7)	(70)
229	Fallout shelters	1967			ENF	1992			
230	Shell homes	1967			ENF	1992			
232	Radiation monitors	1967			ENF	1992			
245	Watches	1968			ENF	1992			
244	Greeting cards—discrim. practices.	1968			BC	1993		*	
306	Octane Rule	1979		1985	ENF	1993			Metric.
400	Sleeping bag	1963			SIP	1993	cte		Metric.
404	Tablecloth Size Rule.	1964			SIP	1993	cte		Metric.
410	TV Picture Size Rule.	1971			AP	1993			Metric.
412	Men's/boy's clothing—discrim. pracs.	1967		Not Done	BC	1993		*	Overdue for Reg. Flex. review.
418	Extension Ladder Rule.	1969			SIP	1993	cte		Metric.
500	Regs. under Sec. 4 of FPLA.	1968/71		1988	ENF/LARO	1993			
501	Exemptions from Part 500.	1970/71		1988	ENF/LARO	1993			
502	Regs. under Sec. 5(c) of FPLA.	1971		1988	ENF/LARO	1993			
503	Interps. under FPLA.	1969/71		1988	ENF/LARO	1993			
22	Hosiery	1979			LARO	1994	utp, cte	*	Metric and export issues.
236	Textiles—"mill" in name.	1967			LARO	1994			Trade names.
252	Wigs and other hairpieces.	1970			LARO	1994	cte		Statement of enf. pol. (9/9/71); foreign origin; flammable fabrics.
253	Feather and down products.	1971			NYRO	1994	cte		Fed. specifications; metric.
300	Rules and regs. under WPLA.	1941/88		1984	ENF/LARO	1994			
301	Rules and regs. under FurPLA.	1952/83		1984	ENF/LARO	1994			
303	Rules and regs. under TFPIA.	1959/88		1984	ENF/LARO	1994			
423	Care Labeling Rule	1983		1986	ENF	1994			
429	Cooling-Off Rule	1972/88		1988	ENF	1994			
444	Credit Practices Rule.	1984	1984		CP	1994			
455	Used Car Rule	1984	1984		ENF	1994			
24	Luggage	1979			DARO	1995	utp, cte		
231	Shoe content	1967			DARO	1995	cte		
247	Ladies handbags	1969			DARO/BC	1995	cte	*	Guides: pricing.
248	Beauty/barber equipment/supplies.	1968			NYRO/BC	1995	cte		FDA labeling requirements.
260	Environmental marketing claims.		1992		AP	1995			
405	Leather Content of Belts Rule.	1964			LARO	1995	cte		
409	Light Bulb Rule	1970			ENF	1995			Lamp labeling rules eff. 05/15/95, 16 CFR Part 305.
436	Franchise Rule	1978		1987	MP	1995			
460	R-value Rule	1979/90		1985	ENF	1995			
14	Interpretations, etc	Misc.			ENF	**1995			
234	Mail order insurance.	1967			SIP	**1995	cte		Testimonials.
237	Debt collection	1967			CP	**1995			

REGULATORY REVIEW—MODIFIED REVOLVING TEN-YEAR PLAN—ARRANGED BY YEAR FOR EACH REVIEW—Continued

I. 16 CFR part	II. Topic	III. Earliest/latest FR cities in CFR	IV. Year first issued if after 1981	V. Year reg. flex. review conducted	VI. Office to review	VII. Year to review	VIII. Old standard used	IX. Raises BC issues *	X. Miscellaneous comments
(5)	(35)	(10)	(9)	(9)	(8)	(8)	(9)	(7)	(70)
242	''Free'' photographic film/processing.	1968			SRO	**1995			Cites ''Free'' Trade Practice Rule (12/1/53).
402	Binocular Rule	1964			AP	**1995	cte		
413	Glass fiber curtains/draperies.	1967			MP	**1995	cte		Health and safety labeling.
417	Frosted Cocktail Glass Rule.	1969		1990	ENF	**1995	cte		
800	Transitional rule (mergers).	1978			BC	**1995		*	
21	Mirrors	1979			BRO	1996	utp, cte		Uses ASTM definitions.
239	Warranty/guarantee advertising.	1985			MP	1996			
254	Vocational/home study schools.	1972			SIP	1996	cte		Collections/credit practices; free; pricing.
406	Used Oil Rule	1964/81			ENF	1996			
700	Interps. of MM/Warranty Act.	1977			MP	1996			
701	Discl. of written warranties.	1975			MP	1996			
702	Pre-sale Availability Rule.	1975/87		1986A	MP	1996			
308	900 Number Rule	1993			AP/CP/MP	1997			Promulgated by Commission in 1993, Sec. 308.9 requires review in 1997.
425	Negative Option Rule.	1973		1987	SIP	1997			
703	Informal dispute settlement.	1975		1986	MP	1997			
801	Coverage rules (mergers).	1978/87			BC	1997		*	
802	Exemption rules (mergers).	1978/87			BC	1997		*	
803	Transmittal rules (mergers).	1978/89			BC	1997		*	
20	Used auto parts	1979			CLRO	1998	utp, cte		
243	Decorative wall paneling.	1971			DERO	1998	cte		Guides: bait advertising, guarantees, pricing.
304	Rules and regs.—Hobby Prot. Act.	1975/88		1988A	ENF	1998			
456	Ophthalmic Practice Rules.	1989/92	1989	1989	SIP	1998			
235	Adhesive compositions.	1967			SFRO	1999			Guarantees, guarantee guides.
240	Ad allowances/merch. payments.	1990			BC	1999		*	
256	Law books	1975			ENF	1999	cte		Billing practices.
259	Mileage Guides	1978			CLRO	1999			
307	Regs.—Smokeless Tobacco.	1986/91	1986		AP	1999			Metric.
432	Amplifier Rule	1974		1990	MP	1999			
453	Funeral Practices Rule.	1982/94	1982		SIP	1999			Comm. amend. specified 1999 review, 59 FR 1592, 1595 n. 29 (01/11/94).
600	Statements—gen. policy/interps.	1990			CP	1999			

REGULATORY REVIEW—MODIFIED REVOLVING TEN-YEAR PLAN—ARRANGED BY YEAR FOR EACH REVIEW—Continued

I. 16 CFR part	II. Topic	III. Earliest/latest FR cities in CFR	IV. Year first issued if after 1981	V. Year reg. flex. review conducted	VI. Office to review	VII. Year to review	VIII. Old standard used	IX. Raises BC issues *	X. Miscellaneous comments
(5)	(35)	(10)	(9)	(9)	(8)	(8)	(9)	(7)	(70)
901	Fair Debt C.P. Act—state exempts.	1979			CP	1999			
233	Deceptive pricing	1967			CHRO	2000			
238	Bait advertising	1967			AP	2000			
241	Dog and cat food	1969			AP	2000	cte		Bait advertising, endorsements, guarantees, pricing.
250	Household furniture	1973			ARO	2000	cte	*	Guides: bait advertising, pricing; ''new''.
251	Use of word ''free''	1971			CHRO/BC	2000		*	Guides: FPLA, pricing, advertising allowances.
228	Tires	1967			CLRO	2001	cte		Bait advertising, guarantees, pricing claims.
255	Endorsements/testimonials in ads.	1975/80			AP	2001			
408	Health Hazards of Smoking Rule.	1965			AP	2001			
424	Unavailability Rule	1989		1989A	ENF	2001			
433	Holder—In-Due-Course Rule.	1975/77		1992	CP	2001			
306	Automotive Fuels Rule.	1979/93			ENF	2003			Reviewed and amended by Commission in 1993.
435	Mail or Telephone Order Rule.	1975/93		1983	ENF	2003			Reviewed and amended by Commission in 1993.
18	Nursery industry	1979/94			ENF	2004			Reviewed and amended by Commission in 1994.
309	Appliance Labeling Rule.	1979/94			ENF	2004			Reviewed and amended by Commission in 1994.
410	TV Picture Size Rule.	1971/94			AP	2004			Reviewed and amended by Commission in 1994.
500	Regs. under Sec. 4 of FPLA.	1968/94		1988	ENF/LARO	2004			Reviewed and amended by Commission in 1994.
501	Exemptions from Part 500.	1970/71		1988	ENF/LARO	2004			Reviewed by Commission in 1994.
502	Regs. under Sec. 5(c) of FPLA.	1971		1988	ENF/LARO	2004			Reviewed by Commission in 1994.
503	Interps. under FPLA.	1969/71		1988	ENF/LARO	2004			Reviewed by Commission in 1994.
14	Interpretations and Guidelines.	Misc.			ENF	2005			
403	Dry Cell Batteries Rule.	1964			MP	2005	cte	Guarantees.	

Notes:

Overall—The Games of Chance Rule (Part 419) is not included in the schedule at this time because it currently is pending for consideration.

Overall—The reviews scheduled of the HSR rules (Parts 801, 802 and 803) in 1997 are in addition to BC's ongoing review of individual sections of the rules.

Col. III.—Year given is that of Fed. Reg. notice cited in CFR, not necessarily year original or amendment was effective, which may be later.

Col. IV.—Year given is that of Fed. Reg. notice cited in CFR, not necessarily year effective, which may be later.

Col. V.—''A'' following year indicates rule amended as part of Reg. Flex. review proceeding.

Col. VII.—The items reviewed in 1995 that are market ''**'' were reviewed during 1995, although previously they were scheduled for review during later years.

Col. VIII.—''utp'' refers to ''unfair trade practice'' and ''cte'' refers to variation of ''capacity, tendency or effect of misleading or deceiving'' language used.

Col. X.—For rules and guides in Subchapters B–D, the comments point out those that incorporate or cover issues included in other FTC rules and guides, include metric measurement issues, incorporate or refer to non-FTC standards, or raise health and safety or other issues of interest. The comments specify the rules and guides not scheduled for review at this time.

[10YRPLAN Ver. 12/12/95]

STATUS OF REVIEWS INITIATED SINCE 1992

I. 16 CFR part (5)	II. Rule (36)	III. File No. assigned (10)	IV. Status (9)	V. Office conducting review (10)	VI. Year review conducted/scheduled (10)	VII. Request for comments published (24)	VIII. Action taken (70)
18	Nursery industry.	P924213	Complete	ENF	1992	58 FR 16139 (03/25/93)	Comm. amended guides, 59 FR 64546 (12/14/94).
19	Metallic watch bands.	P924217	Ongoing	ENF	1992	57 FR 24996 (06/12/92)	Staff recom. to revise fwd. to BCP 09/29/95.
23	Jewelry	P924217	Ongoing	ENF	1992	57 FR 24996 (06/12/92)	Staff recom. to revise fwd. to BCP 09/29/95.
245	Watches	P924217	Ongoing	ENF	1992	57 FR 24996 (06/12/92)	Staff preparing recom. to revise.
229	Fallout shelters.	P924218	Complete	ENF	1992	57 FR 41706 (09/11/92)	Comm. repealed guides, 58 FR 68292 (12/27/93).
232	Radiation monitors.	P924218	Complete	ENF	1992	57 FR 41706 (09/11/92)	Comm. repealed guides, 58 FR 68292 (12/27/93).
230	Shell homes	P924219	Complete	ENF	1992	57 FR 41707 (09/11/92)	Comm. repealed guides, 59 FR 49804 (09/30/94).
244	Greeting cards—discrim. practices.	P843833	Complete	BC	1993	58 FR 35414 (07/01/93)	Comm. repealed guides, 59 FR 8527 (02/23/94).
306	Fuel Rating Rule (prev. Octane Rule).	R811005	Complete	ENF	1993	58 FR 16464 (03/26/93)	Comm. amend. under EPA 92 (liq. alt. fuels), 58 FR 41356 (08/03/93).
400	Sleeping Bag Rule.	P924214	Complete	SIP	1993	58 FR 21095 (04/19/93)	ANPR (propos. repeal), 60 FR 27240 (05/23/95).
400	Sleeping Bag Rule.	R511031	Complete	SIP	1993		NPR, 60 FR 48063 (09/18/95).
400	Sleeping Bag Rule.	R511031	Complete	ENF	1993		Commission repealed rule on 12/15/95.
404	Tablecloth Size Rule.	P924214	Complete	SIP	1993	58 FR 21124 (04/19/93)	ANPR (propos. repeal), 60 FR 27242 (05/23/95).
404	Tablecloth Size Rule.	R511032	Complete	SIP	1993		NPR, 60 FR 48067 (09/18/95).
404	Tablecloth Size Rule.	R511032	Complete	ENF	1993		Commission repealed on rule 12/15/95.
410	TV Picture Size Rule.	P924214	Complete	AP	1993	58 FR 21125 (04/19/93)	Comm. amended rule (non-substantive), 59 FR 54809 (11/02/94).
412	Men's/boy's clothing—discrim. pracs.	P843833	Complete	BC	1993	58 FR 35907 (07/02/93)	Comm. repealed, 59 FR 8527 (02/23/94).
418	Extension Ladder Rule.	P924214	Complete	SIP	1993	58 FR 21125 (04/19/93)	ANPR (propos. repeal), 60 FR 27245 (05/23/95).
418	Extension Ladder Rule.	R511030	Complete	SIP	1993		NPR, 60 FR 48075 (09/18/95).
418	Extension Ladder Rule.	R511030	Complete	ENF	1993		Commission repealed rule on 12/15/95.
500	Regulations under Sec. 4 of FPLA.	P938402	Complete	ENF/LARO	1993	58 FR 43726 (08/17/93)	Comm. amended rule, 59 FR 1862 (01/12/94).

STATUS OF REVIEWS INITIATED SINCE 1992—Continued

I. 16 CFR part	II. Rule	III. File No. assigned	IV. Status	V. Office conducting review	VI. Year review conducted/scheduled	VII. Request for comments published	VIII. Action taken
(5)	(36)	(10)	(9)	(10)	(10)	(24)	(70)
501	Exemptions from Part 500.	P938402	Complete	ENF/LARO	1993	58 FR 43726 (08/17/93)	Comm. concluded review with amendment of 16 CFR Part 500.
502	Regulations under Sec. 5(c) of FPLA.	P938402	Complete	ENF/LARO	1993	58 FR 43726 (08/17/93)	Comm. concluded review with amendment of 16 CFR Part 500.
503	Interpretations under FPLA.	P938402	Complete	ENF/LARO	1993	58 FR 43726 (08/17/93)	Comm. concluded review with amendment of 16 CFR Part 500.
22	Hosiery	P948405	Ongoing	LARO	1994	59 FR 18004 (04/15/94)	Staff reviewing comments and preparing recomm. to Comm.
236	Textiles—''mill'' in name.	P948406	Complete	LARO	1994	59 FR 18005 (04/15/94)	Comm. repealed guides, 60 FR 37334 (07/20/95).
252	Wigs and other hairpieces.	P948407	Complete	LARO	1994	59 FR 18005 (04/15/94)	Comm. repealed guides, 60 FR 40453 (08/09/95).
253	Feather and down products.	P948803	Ongoing	NYRO	1994	59 FR 18006 (04/15/94)	Staff reviewing comments and preparing recomm. to Comm.
300	Rules and regs. under WPLA.	P948402	Ongoing	ENF/LARO	1994	59 FR 23645 (05/06/94)	Staff reviewing comments and preparing recomm. to Comm.
301	Rules and regs. under FurPLA.	P948403	Ongoing	ENF/LARO	1994	59 FR 23645 (05/06/94)	Staff reviewing comments and preparing recomm. to Comm.
303	Rules and regs. under TFPIA.	P948404	Ongoing	ENF/LARO	1994	59 FR 23646 (05/06/94)	Staff fwd. recom. to revise guides to Comm. 12/15/95.
444	Credit Practices Rule.	P944805	Complete	CP	1994	59 FR 18009 (04/15/94)	Comm. concluded Reg. Flex. & reg. reviews, 60 FR 24804 (05/10/95).
423	Care Labeling Rule.	R511915	Ongoing	ENF	1994	59 FR 30733 (06/15/94)	Comm. issued tent. cond. exempt., req. comments, 60 FR 57552 (11/16/95).
423	Care Labeling Rule.	R511915	Ongoing	ENF	1994		Staff recom. for ANPR to amend fwd. to Comm. 10/17/95.
429	Cooling-Off Rule.	P944201	Complete	ENF	1994	59 FR 18007 (04/15/94)	Comm. amended rule (non-substantive), 60 FR 54180 (10/20/95).
455	Used Car Rule.	P944202	Complete	ENF	1994	59 FR 23647 (05/06/94)	Comm. amended rule (non-substantive), 60 FR 62195 (12/05/95).
24	Leather Products (New Guides).	P958011	Ongoing	DARO	1995		Comm. propos. new guides, 60 FR 48056 (09/18/95).
24	Leather Products (New Guides).	P958011	Ongoing	DARO	1995		Staff reviewing comments and preparing recomm. to Comm.
24	Luggage	P958009	Complete	DARO	1995	60 FR 15724 (03/27/95)	Comm. repealed guides, 60 FR 48027 (09/18/95).
231	Shoe content	P958008	Complete	DARO	1995	60 FR 15724 (03/27/95)	Comm. repealed guides, 60 FR 48027 (09/18/95).
247	Ladies' handbags.	P958010	Complete	DARO/BC	1995	60 FR 15724 (03/27/95)	Comm. repealed guides, 60 FR 48027 (09/18/95).
248	Beauty/barber equipment/supplies.	P958803	Complete	NYRO/BC	1995	60 FR 17032 (04/04/95)	Comm. repealed guides, 60 FR 40267 (08/08/95).
260	Environmental marketing claims.	P904501	Ongoing	AP	1995	60 FR 38978 (07/31/95)	Staff reviewing comments and preparing recomm. to Comm.

STATUS OF REVIEWS INITIATED SINCE 1992—Continued

I. 16 CFR part	II. Rule	III. File No. assigned	IV. Status	V. Office conducting review	VI. Year review conducted/scheduled	VII. Request for comments published	VIII. Action taken
(5)	(36)	(10)	(9)	(10)	(10)	(24)	(70)
405	Leather Content of Belts Rule.	P958401	Ongoing	LARO/ENF	1995	60 FR 15725 (03/27/95)	
405	Leather Content of Belts Rule.	R511037	Ongoing	ENF	1995		ANPR (propos. repeal), 60 FR 48070 (09/18/95).
405	Leather Content of Belts Rule.	R511037	Ongoing	ENF	1995		Staff fwd. NPR recom. repeal to BCP 11/20/95.
409	Light Bulb Rule.	P954209	Ongoing	ENF	1995	60 FR 17491 (04/06/95)	
409	Light Bulb Rule.	P511960	Ongoing	ENF	1995		Staff recom. for NPR to repeal fwd. to Comm. 11/09/95).
436	Franchise Rule.	P954402	Ongoing	MP	1995	60 FR 17656 (04/07/95)	Staff reviewing comments and preparing recomm. to Comm.
460	R-value Rule .	P954210	Ongoing	ENF	1995	60 FR 17492 (04/06/95)	Staff reviewing comments and preparing recomm. to Comm.
14	Interpretations, etc..	P954215	Complete	ENF	*1995		Comm. repealed or revised certain sections, 60 FR 40231 (08/15/95).
234	Mail order insurance.	P954903	Complete	SIP	**1995		Comm. repealed guides, 60 FR 40262 (08/08/95).
237	Debt collection deception.	P954809	Complete	CP	**1995		Comm. repealed guides, 60 FR 40263 (08/08/95).
242	Free photographic film & services.	P959101	Complete	SRO	**1995		Comm. repealed guides, 60 FR 40265 (08/08/95).
402	Binocular Rule	R511034	Complete	AP	**1995		ANPR (propos. repeal), 60 FR 27241 (05/23/95).
402	Binocular Rule	R511034	Complete	AP	**1995		NPR (propos. repeal), 60 FR 48065 (09/18/95).
402	Binocular Rule	R511034	Complete	AP	**1995		Commission repealed rule on 12/15/95).
413	Glass Fiber Curtain Rule.	R511035	Complete	ENF	**1995		ANPR (propos. repeal), 60 FR 27243 (05/23/95).
413	Glass Fiber Curtain Rule.	R511035	Complete	ENF	**1995		NPR (propos. repeal), 60 FR 48071 (09/18/95).
413	Glass Fiber Curtain Rule.	R511035	Complete	ENF	**1995		Commission repealed rule on 12/15/95.
417	Quick-Freeze Spray Products Rule.	R511033	Complete	ENF	**1995		ANPR (propos. repeal), 60 FR 27244 (05/23/95).
417	Quick-Freeze Spray Products Rule.	R511033	Complete	ENF	**1995		NPR (propos. repeal), 60 FR 48073 (09/18/95) (comments due 10/18/95).
417	Quick-Freeze Spray Products Rule.	R511033	Complete	ENF	**1995		Commission repealed rule on 12/15/95.
800	Transitional rule (mergers).		Complete	BC	**1995		Comm. repealed rule, 60 FR 40704 (08/09/95).

Notes:

*The Interpretations, etc., in Part 14 were not published for comment as part of the regulatory review program. The Commission voted to repeal certain sections of Part 14, revise one section, and retain other sections based on quick-look reviews by staff.

**These matters were scheduled for review in later years, but were moved forward by the Commission during 1995.

[STATUSRR—Rev. 12/15/95]

[FR Doc. 96–789 Filed 1–19–96; 8:45 am]

BILLING CODE 6750–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–36718; File No. S7–30–95]

RIN 3235–AG66

Order Execution Obligations

AGENCY: Securities and Exchange Commission.

ACTION: Extension of the comment period.

SUMMARY: The Securities and Exchange Commission (''Commission'') is extending from January 16, 1996, until January 26, 1996, the comment period for Securities Exchange Act Release No. 36310 (September 29, 1995), 60 FR 52792 (October 10, 1995). In the release, the Commission proposed two rules and amendments to a rule in order to improve the handling and execution of customer orders.

DATES: Comments on the release should be submitted on or before January 26, 1996.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, and should refer to File No. S7–30–95. All submissions will be made available for public inspection and copying at the Commission's Public Reference Room, Room 1024, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: David Oestreicher, Attorney, (202) 942–0173, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On September 29, 1995, the Commission proposed two rules and amendments to a rule to improve the handling and execution of customer orders.[1] The Commission proposals were intended to improve the opportunity of investors to obtain the best execution possible for their orders. At the same time, the proposals were designed to preserve the benefits of a competitive market structure that has greatly enhanced market liquidity, transparency and efficiency. The Commission requested that comments on the proposed rulemaking be received by January 16, 1996.

Recently, Commission staff has received many requests from interested persons for an extension of time within which to comment on the proposed rulemaking. In addition, a major snowstorm altered the schedules of many places of business in the northeastern portion of the United States last week.

In light of the substantial nature of the proposed rulemaking, and the Commission's desire to consider the views of all interested persons on the subject, the Commission believes that an extension of the comment period is appropriate. Therefore, the comment period for responding to Securities Exchange Act Release No. 36310 is extended from January 16, 1996, until January 26, 1996.

By the Commission.

Dated: January 16, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–735 Filed 1–17–96; 3:35 pm]

BILLING CODE 8010–01–P

[1] Securities Exchange Act Release No. 36310 (September 29, 1995), 60 FR 52792 (October 10, 1995).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO–26–95]

RIN 1545–AT55

Treatment of Underwriters in Section 351 and Section 721 Transactions; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

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

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the transfer of cash to a corporation or a partnership. The proposed regulations will affect taxpayers in transactions intended to qualify under section 351 and section 721 when there is an offering of stock or partnership interests through an underwriter.

DATES: The public hearing originally scheduled for Wednesday, January 17, 1996, beginning at 10 a.m. is cancelled.

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

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 351 and 721 of the Internal Revenue Code. A notice of proposed rulemaking and notice of public hearing appearing in the Federal Register on Thursday, August 10, 1995 (60 FR 40792) announced that the public hearing on proposed regulations under sections 351 and 721 of the Internal Revenue Code would be held on Wednesday, January 17, 1996, beginning at 10 a.m., in the IRS Auditorium Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

The public hearing scheduled for Wednesday, January 17, 1996, is cancelled.

CYNTHIA E. GRIGSBY,

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

[FR Doc. 96–632 Filed 1–16–96; 3:56 pm]

BILLING CODE 4830–01–U

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, 7, 13, and 19

[Notice No. 819]

RIN 1512–AB34

Procedures For The Issuance, Denial, And Revocation Of Certificates Of Label Approval, Certificates Of Exemption From Label Approval, And Distinctive Liquor Bottle Approvals (93F–029P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Proposed rule: reopening comment period.

SUMMARY: This document reopens the comment period for Notice No. 815, a notice of proposed rulemaking published in the Federal Register on September 13, 1995. In Notice No. 815 the Bureau of Alcohol, Tobacco and Firearms (ATF) solicited comments on its proposal to issue regulations specifically setting forth the procedures for the issuance, denial, and revocation of certificates of label approval (COLAs), certificates of exemption from label approval, and distinctive liquor bottle approvals.

ATF is reopening the comment period for Notice No. 815 in order to allow all interested persons more time to prepare and submit comments.

DATES: Written comments must be received by February 21, 1996.

ADDRESSES: Send written comments to Chief, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221,

Washington, DC 20091–0221 (Attn: Notice No. 815)

FOR FURTHER INFORMATION CONTACT: Tami Light, Wine, Beer and Spirits Regulations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 1995, ATF published Notice No. 815, a notice of proposed rulemaking, in the Federal Register (60 FR 47506). ATF is soliciting comments on its proposal to issue regulations specifically setting forth the procedures for the issuance, denial, and revocation of certificates of label approval (COLAs), certificates of exemption from label approval, and distinctive liquor bottle approvals. The proposed denial and revocation regulations are new, whereas the proposed issuance regulations are more specific than the current regulations. The proposed regulations would also codify the procedures for administratively appealing the denial or revocation of certificates of label approval, exemptions from label approval, or distinctive liquor bottle approvals.

The comment period for Notice No. 815 closed on December 12, 1995. Prior to the end of the comment period ATF received a request for an extension of the comment period. This request was submitted by the Beer Institute in order that they may carefully address the issues raised in Notice No. 815, an area where a solid industry-government working relationship is critical.

In consideration of this request, ATF has decided to reopen the comment period for 30 days from the date of publication of this notice in the Federal Register. All written comments received will be considered in the development of a decision on this matter. Comments that provide the factual basis supporting the views or suggestions presented will be particularly helpful in developing a reasoned regulatory decision on this matter.

Drafting Information

The principal author of this document is Robert White, Alcohol and Tobacco Programs Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Trade practices.

27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

27 CFR Part 13

Administrative practice and procedure, Alcohol and alcoholic beverages, Appeals, Applications, Certificates of label approval, Certificates of exemption from label approval, Denials, Distinctive liquor bottle approvals, Informal conferences, Labeling, Revocations.

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

Authority: This notice is issued under the authority of 26 U.S.C. 7805 and 27 U.S.C. 205.

Approved: January 5, 1996.

John W. Magaw,

Director.

[FR Doc. 96–575 Filed 1–19–96; 8:45 am]

BILLING CODE 4810–31–U

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Appropriateness of Requested Single Location Bargaining Units in Representation Cases

AGENCY: National Labor Relations Board.

ACTION: Notice of extension of time for filing comments to proposed rulemaking.

SUMMARY: The National Labor Relations Board gives notice that it is extending the time for filing comments on the proposed rulemaking on the appropriateness of requested single location bargaining units in representation cases.

DATES: The comment period which presently ends at the close of business on January 22, 1996, is extended to the close of business on February 8, 1996.

ADDRESSES: Comments on the proposed rulemaking should be sent to: Office of the Executive Secretary, 1099 14th Street NW., Room 11600, Washington, DC 20570.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, Telephone: (202) 273–1940.

SUPPLEMENTARY INFORMATION: The Board's notice of proposed rulemaking on the appropriateness of requested single location bargaining units in representation cases was published in the Federal Register on September 28, 1995 (60 FR 50146). The notice provided that all responses to the notice of proposed rulemaking must be received on or before November 27, 1995. On November 20, 1995 the Board extended the time to January 22, 1996. In view of the recent shutdown of operations due to lack of appropriated funds, the Board has decided to extend the period for filing responses to the notice of proposed rulemaking until the close of business on Thursday, February 8, 1996.

Dated, Washington, DC, January 17, 1996.

By direction of the Board.

John J. Toner,

Executive Secretary.

[FR Doc. 96–741 Filed 1–19–96; 8:45 am]

BILLING CODE 7545–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–132–FOR; Amendment No. 95–10]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter the ''Indiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the recodification of the Indiana Surface Coal Mining and Reclamation Act. The proposed amendment represents the Indiana Legislative Services Agency's

effort to streamline and simplify Indiana natural resources law by placing all such provisions in Title 14, including those pertaining to surface coal mining.

DATES: Written comments must be received by 4:00 p.m., e.s.t., February 21, 1996. If requested, a public hearing on the proposed amendment will be held on February 13, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t., on February 6, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below.

Copies of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Indianapolis Field Office.

Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, Room 301, Indianapolis, Indiana 46204–1521, Telephone: (317) 226–6700).

Indiana Department of Natural Resources, 402 West Washington Street, Room C256, Indianapolis, Indiana 46204, Telephone: (317) 232–1547.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Indianapolis Field Office, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. General background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32071). Subsequent actions concerning the Indiana program can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Description of the Proposed Amendment

By letter dated September 11, 1995 (Administrative Record No. IND–1508), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. The proposed amendment concerns the recodification of the Indiana Surface Coal Mining and Reclamation Act (ISCMRA), Title 13 of the Indiana Code (IC) 13–4.1, as enacted by the Indiana General Assembly under 1995 House Enrolled Act 1047 (HEA 1047). HEA 1047 was signed into law by Governor Evan Bayh on May 10, 1995. HEA repealed IC 13–4.1 and recodified its substantive provisions at Title 14 of the Indiana Code (IC) 14–34. Editorial changes, including minor structural and grammatical changes, were made throughout the recodified statutes. Indiana, also, submitted IC 14–8 which contains several definitional sections including some previously contained in IC 13–4.1, and savings provisions which state that HEA 1047 is not intended to enact a substantive change to pre-existing law, nor affect any rules promulgated, or rights or liabilities accrued, under the authority of prior law. There were not substantive revisions proposed by Indiana.

Listed below are the existing IC 13–4.1 section numbers with the new corresponding IC 14–8 and/or IC 14–34 section numbers.

IC 13–4.1	IC 14–8/IC 14–34
13–4.1–1–2	14–34–1–3
13–4.1–1–3(1)	14–8–2–11, 14–34–10–1
13–4.1–1–3(2)	14–8–2–48
13–4.1–1–3(3)	14–8–2–71
13–4.1–1–3(3.5)	14–8–2–122, 14–34–10–2
13–4.1–1–3(4)	14–8–2–130, 14–34–15–6(a)
13–4.1–1–3(5)	14–8–2–190(3), 14–34–4–8, 14–34–8–4
13–4.1–1–3(6)	14–8–2–199
13–4.1–1–3(7)	14–8–2–200
13–4.1–1–3(8)	14–8–2–201
13–4.1–1–3(9)	14–8–2–202(g)
13–4.1–1–3(10)	14–8–2–213
13–4.1–1–3(10.5)	14–8–2–269, 14–34–18–2
13–4.1–1–3(11)	14–8–2–272
13–4.1–1–3(12)	14–8–2–273
13–4.1–1–3(13)	14–8–2–291, 14–34–15–7(a)
13–4.1–1–4	14–34–1–2
13–4.1–1–5	14–34–1–4
13–4.1–1–6	14–34–1–1(2)
13–4.1–1–7	14–34–1–1(1)
13–4.1–1–8	14–34–1–5
13–4.1–2–1(a)	14–34–2–1
13–4.1–2–1(b)–(e)	14–34–2–2
13–4.1–2–2(a)	14–34–2–3
13–4.1–2–2(b)	14–34–2–4
13–4.1–2–2(c)	14–34–2–5
13–4.1–2–2.5	14–34–2–3(7)
13–4.1–2–3	14–34–2–6
13–4.1–2–4	14–34–2–7
13–4.1–3–1	14–34–3–1
13–4.1–3–2(a)	14–34–3–2
13–4.1–3–2(b)	14–34–13–1
13–4.1–3–2(c)	14–34–13–2
13–4.1–3–2(d)	14–34–13–3
13–4.1–3–2(e)	14–34–14–2
13–4.1–3–2(f)	14–34–14–4
13–4.1–3–2(g)	14–34–14–5
13–4.1–3–3(a)	14–34–3–3
13–4.1–3–3(b)	14–34–3–4
13–4.1–3–3(c)	14–34–3–5
13–4.1–3–3(d)	14–34–3–6 and 7
13–4.1–3–3(e)	14–34–3–8
13–4.1–3–3(f)	14–34–3–9
13–4.1–3–3.1	14–34–3–10
13–4.1–3–3.5	14–34–3–11
13–4.1–3–4	14–34–3–12
13–4.1–3–5	14–34–3–13
13–4.1–3–6	14–34–3–14
13–4.1–4–1(a)	14–34–4–1
13–4.1–4–1(b)	14–34–4–2(a)
13–4.1–4–1(c)	14–34–4–2(b)
13–4.1–4–1(d)	14–34–4–3
13–4.1–4–2(a)	14–34–4–4
13–4.1–4–2(b)	14–34–4–5
13–4.1–4–2(c)	14–34–4–6
13–4.1–4–3(a)	14–34–4–7(a)
13–4.1–4–3(b)	14–34–4–7(b)
13–4.1–4–3(c)	14–34–4–8
13–4.1–4–3(d)	14–34–4–9
13–4.1–4–3.1	14–34–4–10
13–4.1–4–4	14–34–4–11
13–4.1–4–5(a)	14–34–4–12
13–4.1–4–5(b)	14–34–4–13(a)
13–4.1–4–5(c)	14–34–4–13(b)
13–4.1–4–5(d)	14–34–4–13(c)
13–4.1–4–5.1	14–34–4–14
13–4.1–4–5.2	14–34–4–15
13–4.1–4–5.3	14–34–4–16
13–4.1–4–6	14–34–4–17
13–4.1–4–7	14–34–4–18
13–4.1–5–1	14–34–5–1
13–4.1–5–2	14–34–5–2
13–4.1–5–3	14–34–5–3
13–4.1–5–4	14–34–5–4
13–4.1–5–5	14–34–5–5
13–4.1–5–5.1	14–34–5–6
13–4.1–5–5.2	14–34–5–7
13–4.1–5–5.3	14–34–5–8
13–4.1–5–6	14–34–5–9
13–4.1–5–7	14–34–5–10
13–4.1–5–8	14–34–5–11
13–4.1–6–1	14–34–6–1
13–4.1–6–2	14–34–6–2
13–4.1–6–3	14–34–6–3
13–4.1–6–4	14–34–6–4
13–4.1–6–5	14–34–6–5
13–4.1–6–6	14–34–6–6
13–4.1–6–7(a)	14–34–6–7
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13–4.1–6–7(d)	14–34–6–10
13–4.1–6–7(e)	14–34–6–11
13–4.1–6–7(f)	14–34–6–12
13–4.1–6–7(g)	14–34–6–13
13–4.1–6–7(h)	14–34–6–14
13–4.1–6–8	14–34–6–15
13–4.1–6–9(a)	14–34–6–16(a)
13–4.1–6–9(b)	14–34–6–16(b)
13–4.1–6–9(c)	14–34–6–16(c)
13–4.1–6–9(d)	14–34–6–16(d)
13–4.1–6–9(e)	14–34–6–16(e)
13–4.1–6–9(f)	14–34–6–16(f)
13–4.1–6.3–1	14–8–2–9
13–4.1–6.3–2	14–34–7–4(a)
13–4.1–6.3–3	14–34–7–4(b)

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13–4.1–6.3–4	14–34–7–4(c)
13–4.1–6.3–5	14–34–7–1
13–4.1–6.3–6	14–34–7–2
13–4.1–6.3–7	14–34–7–3
13–4.1–6.3–8	14–34–7–4(d)
13–4.1–6.3–9	14–34–7–5
13–4.1–6.3.10	14–34–7–6
13–4.1–6.3–11	14–34–7–7
13–4.1–6.3–12	14–34–7–8
13–4.1–6.3–13	14–34–7–9
13–4.1–6.5–1	14–34–8–2
13–4.1–6.5–2	14–34–8–1
13–4.1–6.5–3	14–34–8–3
13–4.1–6.5–4(a)	14–34–8–4(c)
13–4.1–6.5–4(b)	14–34–8–4(d)
13–4.1–6.5–4(c)	14–34–8–4(e)
13–4.1–6.5–4(d)	14–34–8–4(f)
13–4.1–6.5–4(e)	14–34–8–4(g)
13–4.1–6.5–4(f)	14–34–8–4(h)
13–4.1–6.5–4(g)(1)	14–34–8–4(b)
13–4.1–6.5–4(g)(2)	14–34–8–4(a)
13–4.1–6.5–5	14–34–8–5
13–4.1–6.5–6	14–34–8–6
13–4.1–6.5–7	14–34–8–7
13–4.1–6.5–8	14–34–8–8
13–4.1–6.5–9	14–34–8–9
13–4.1–6.5–10	14–34–8–10
13–4.1–6.5–11	14–34–8–11
13–4.1–7–1	14–34–9–1
13–4.1–7–2	14–34–9–2
13–4.1–7–3	14–34–9–3
13–4.1–7–4	14–34–9–4
13–4.1–7–5	14–34–9–5
13–4.1–7–6	14–34–9–6
13–4.1–8–1(1)	14–34–10–2(b)(2)
13–4.1–8–1(2)	14–34–10–2(b)(3)
13–4.1–8–1(3)	14–34–10–2(b)(4)–(b)(6)
13–4.1–8–1(3)(A)–(C)	14–34–10–2(b)(5)(A)–(C)
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13–4.1–8–1(3)(ii)	14–34–10–2(b)(6)(B)
13–4.1–8–1(4)	14–34–10–2(b)(7)
13–4.1–8–1(5)	14–34–10–2(b)(8)
13–4.1–8–1(6)	14–34–10–2(b)(9)
13–4.1–8–1(7)	14–34–10–2(b)(10)
13–4.1–8–1(8)	14–34–10–2(b)(11)
13–4.1–8–1(9)	14–34–10–2(b)(12)
13–4.1–8–1(10)	14–34–10–2(b)(13)
13–4.1–8–1(11)	14–34–10–2(b)(14)
13–4.1–8–1(12)	14–34–10–2(b)(15)
13–4.1–8–1(13)	14–34–10–2(b)(16)
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13–4.1–8–1(15)	14–34–10–2(b)(18)
13–4.1–8–1(16)	14–34–10–2(b)(19)
13–4.1–8–1(17)	14–34–10–2(b)(20)
13–4.1–8–1(18)	14–34–10–2(b)(21)
13–4.1–8–1(19)	14–34–10–2(b)(22)
13–4.1–8–1(20)	14–34–10–2(b)(23)
13–4.1–8–1(21)	14–34–10–2(b)(24)
13–4.1–8–1(22)	14–34–10–2(b)(25)
13–4.1–8–1(23)	14–34–10–2(b)(26)
13–4.1–8–1(24)	14–34–10–2(b)(27)
13–4.1–8–1(25)	14–34–10–2(b)(28)
13–4.1–8–1(26)	14–34–10–2(b)(29)
13–4.1–8–2(a)	14–34–10–3(b)
13–4.1–8–2(b)	14–34–10–3(a)
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13–4.1–9–2.5(a)	14–34–11–3(b)
13–4.1–9–2.5(b)	14–34–11–3(a)
13–4.1–9–2.5(c)	14–34–11–3(a)
13–4.1–9–2.5(d)	14–34–11–3(c)
13–4.1–9–3	14–34–11–4
13–4.1–10–1	14–34–12–1
13–4.1–10–2	14–34–12–2
13–4.1–10–3	14–34–12–3
13–4.1–11–1	14–34–15–1
13–4.1–11–1.5	14–34–15–2
13–4.1–11–2	14–34–15–3
13–4.1–11–3	14–34–15–4
13–4.1–11–4	14–34–15–5
13–4.1–11–5(a)	14–34–15–6(b)
13–4.1–11–5(b)	14–34–15–6(c)
13–4.1–11–5(c)	14–34–15–6(d)
13–4.1–11–5(d)	14–34–15–6(e)
13–4.1–11–6	14–34–15–7(b)–(i)
13–4.1–11–7(a)	14–34–15–8(a)
13–4.1–11–7(b)	14–34–15–8(b)
13–4.1–11–8	14–34–15–9
13–4.1–11–9	14–34–15–10
13–4.1–11–10	14–34–15–11
13–4.1–11–11(a)	14–34–15–12(a)
13–4.1–11–11(b)	14–34–15–12(b)
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13–4.1–11–11(d)	14–34–15–12(d)
13–4.1–11–11(e)	14–34–15–12(e)
13–4.1–11–11(f)	14–34–15–12(f)
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13–4.1–11–11(h)	14–34–15–14
13–4.1–11–11(i)	14–34–15–15
13–4.1–11–12	14–34–15–16
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13–4.1–12–1(b)	14–34–16–1(b), 14–34–16–2
13–4.1–12–1(c)	14–34–16–3
13–4.1–12–1(d)	14–34–16–4
13–4.1–12–1(e)	14–34–16–5
13–4.1–12–2	14–34–16–6
13–4.1–12–3	14–34–16–7
13–4.1–12–4	14–34–16–8
13–4.1–12–6	14–34–16–9
13–4.1–13–1	14–34–17–1
13–4.1–13–2	14–34–17–2
13–4.1–13–3	14–34–17–3
13–4.1–14–1	14–34–18–3
13–4.1–14–2	14–34–18–4
13–4.1–14–3	14–34–18–5
13–4.1–14–4	14–34–18–6
13–4.1–14–5	14–34–18–1
13–4.1–15–1	14–34–19–1
13–4.1–15–2	14–34–19–2
13–4.1–15–3	14–34–19–3
13–4.1–15–4	14–34–19–4
13–4.1–15–5	14–34–19–5
13–4.1–15–6	14–34–19–6
13–4.1–15–7	14–34–19–7
13–4.1–15–8	14–34–19–8
13–4.1–15–9	14–34–19–9
13–4.1–15–10	14–34–19–10
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13–4.1–15–12(a)	14–34–19–12(a)–(b)
13–4.1–15–12(b)	14–34–19–12(c)
13–4.1–15–12(c)	14–34–19–12(d)
13–4.1–15–13	14–34–19–13
13–4.1–15–14	14–34–19–14

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on February 6, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

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).

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, to the extent allowed by law, 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 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.

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 (42 U.S.C. 4332(2)(C)).

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.*).

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 which 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 12, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96–646 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 914

[SPAT No. IN–133–FOR; Amendment No. 95–11]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter the ''Indiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Indiana Surface Coal Mining and Reclamation Act (ISMCRA) as enacted by the Indiana General Assembly (1995) in House Enrolled Act 1575 (HEA 1575). The proposed amendment concerns unanticipated events or conditions, lands eligible for remining, and surface and underground tonnage fees. The amendment is intended to revise the Indiana program to be consistent with SMCRA and to incorporate State initiatives.

DATES: Written comments must be received by 4:00 p.m., e.s.t., February 21, 1996. If requested, a public hearing on the proposed amendment will be held on February 13, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t., on February 6, 1996

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below.

Copies of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Indianapolis Field Office.

Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6700.

Indiana Department of Natural Resources, 402 West Washington Street, Room C256, Indianapolis, Indiana 46204, Telephone: (317) 232–1547.

FOR FURTHER INFORMATION CONTACT: Roger W. Calhoun, Director, Indianapolis Field Office, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Description of the Proposed Amendment

By letter dated September 11, 1995 (Administrative Record No. IND–109), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. HEA 1575 amends ISMCRA by adding new sections and revising existing sections to recodified Indiana Code (IC) 14–8 and 14–34. The proposed amendment concerns unanticipated events or conditions, lands eligible for remining, and surface and underground tonnage fees. The recodification of the current provisions of ISMCRA is proposed in Indiana's Regulatory Program Amendment No. 95–10, and it will be discussed in a separate proposed rule.

1. IC 14–8–2–144.5 Lands Eligible for Remining

Indiana proposed to add the following definition for lands eligible for remining at IC 14–8–2–144.5

''Lands eligible for remining'', for purposes of IC 14–34, means those lands that are eligible for funding under: (1) IC 14–34–19; or (2) Section 402(g)(4) of the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(4)).

2. IC 14–8–2–285.5 Unanticipated Event or Condition

Indiana proposes to add the following definition for unanticipated event or condition at IC 14–8–2–285.5.

''Unanticipated event or condition'', for purposes of IC 14–34–4, means an event or condition that: (1) is encountered in a remining operation; and (2) was not contemplated by the applicable surface coal mining and reclamation permit.

3. IC 14–34–2–4 Responsibilities of the Director

Indiana proposes to amend recodified IC 14–34–2–4 [previously IC 13–4.1–2–2(b)] by adding new paragraph (7) to subsection (a) and adding new subsection (b) to read as follows.

(7) Submit to the federal Office of Surface Mining a formal state program amendment, subject to subsection (b).

(b) The director may submit a formal amendment to the state program for the regulation of surface coal mining and reclamation to the federal Office of Surface Mining only after the provisions of the amendment: (1) have been approved by the governor; or (2) have become law.

4. IC 14–34–4–8.5 Permit Findings

Indiana proposes to add the following new section at IC 14–34–4–8.5.

The: (1) finding required by section 7(a)(6) of this chapter; and (2) prohibition on the issuance of a permit in section 8 of this chapter; do not apply to a violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the applicant.

5. IC 14–34–4–10.5 Permit Application Requirement

Indiana proposes to add the following new section at IC 14–34–4–10.5.

(a) A person who submits an application for a permit or for the revision or renewal of a permit under this article shall, to the extent not otherwise addressed in the permit application, make a good faith effort to identify potential problems that may result in an unanticipated event or condition.

(b) An event or condition that arises despite substantial adherence to the applicable operation and reclamation plan may be considered unanticipated if it was not identified in the application for the governing permit.

6. IC 14–34–10–2(b)(23) Revegetation Requirement

Indiana proposes to amend recodified IC 14–34–10–2(b)(23) [previously IC 13–4.1–8–1(20)] by adding the words ''as follows'' after the phrase ''Assume the responsibility for successful revegetation, as required by subdivision (22)'' and by adding two subparagraphs (A) and (B). Subparagraph (A) contains the previous provision pertaining to a five-year responsibility period, and Indiana clarified this provision by adding an introductory phrase, ''On lands not eligible for remining.'' Subparagraph (B) contains the following new provision for lands eligible for remining.

(B) On lands eligible for remining, for two (2) full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with subdivision (22).

7. IC 14–34–13–1 Reclamation Fee Requirement for Surface Coal Mining Operations

Indiana proposes to amend recodified IC 14–34–13–1 [previously IC 13–4.1–3–2(b)] by (1) removing the language ''Notwithstanding any other fees paid before July 1, 1991, until July 1, 1995,''; (2) adding the word ''surface'' before the word ''coal'' in the first sentence; and (3) by changing the reclamation fee from five and one-half cents ($0.055) to three cents ($0.03) per ton of coal produced.

8. IC 14–34–13–2 Reclamation Fee Requirement for Underground Coal Mining Operations

Indiana proposes to amend recodified IC 14–34–13–2 [previously IC 13–4.1–3–2(c) by adding new subsection (a) and by revising the existing language and designating it as subsection (b).

a. The following new provision was added at subsection

(a).

Except as provided in subsection (b), all operators of underground coal mining operations subject to this article shall pay to the department for deposit in the natural resources reclamation division fund established by IC 14–34–14–2 a reclamation fee of two cents ($0.02) per ton of coal produced.

b. At subsection (b), the language ''Until July 1, 1995,'' is removed from the beginning of the first sentence, and the word ''that:'' is added after the word ''operations.'' At subsection (b)(1), the word ''with'' is removed and replaced with the word ''have.'' At subsection (b)(2), the word ''who'' is removed.

9. IC 14–34–19–2 Abandoned Mines

Indiana proposes to amend recodified IC 14–34–19–2 [previously IC 13–4.1–15–2] by designating the existing language as subsection (a) and by adding new subsection (b). New subsection (b) reads as follows:

Surface coal mining operation on lands eligible for remining do not affect the eligibility of the lands for reclamation and restoration under this chapter after the release of the bond or deposit for the operation under IC 14–34–6.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** BY 4:00 p.m., e.s.t., on [February 6, 1996]. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing

to meet the OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notice of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

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).

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, to the extent allowed by law, 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 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.

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 (42 U.S.C. 4332(2)(C)).

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.*).

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 which 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 9, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96–647 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 914

[SPAT No. IN–134–FOR; Amendment No. 95–12]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter the ''Indiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Indiana Surface Coal Mining and Reclamation Act (ISMCRA) as enacted by the Indiana General Assembly (1995) in Senate Enrolled Act 125 (SEA 125). The proposed amendment concerns the submittal of affected area status reports and performance bonding. The amendment is intended to revise the Indiana program to be consistent with SMCRA and to incorporate State initiatives.

DATES: Written comments must be received by 4:00 p.m., e.s.t., February 21, 1996. If requested, a public hearing on the proposed amendment will be held on February 13, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t., on February 6, 1996.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below.

Copies of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Indianapolis Field Office.

Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6700.

Indiana Department of Natural Resources, 402 West Washington Street, Room C256, Indianapolis, Indiana 46204, Telephone: (317) 232–1547.

FOR FURTHER INFORMATION CONTACT: Roger W. Calhoun, Director, Indianapolis Field Office, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, Federal Register (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Description of the Proposed Amendment

By letter dated September 11, 1995 (Administrative Record No. IND–1510), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. SEA 125 amends ISMCRA by adding new sections and revising existing sections, concerning affected area status reports and performance bonding, to recodified Indiana Code (IC) 14–8 and 14–34. The recodification of the current provisions of ISMCRA is proposed in Indiana's Regulatory Program Amendment No. 95–10, and it

will be discussed in a separate proposed rule.

A. Indiana Proposes to Add the Following Four Definitions at Recodified IC 14–8 [previously IC 13–4.1–1–3]

1. IC 14–8–2–42.5 Definition of Collateral

''Collateral'', for purposes of IC 14–34–7, has the meaning set forth in IC 14–34–7–0.5.

2. IC 14–8–2–49.5 Definition of Comparative Balance Sheet

''Comparative balance sheet'', for purposes of IC 14–34–7, has the meaning set forth in IC 14–34–7–0.6.

3. IC 14–8–2–49.6 Definition of Comparative Income Statement

''Comparative income statement'', for purposes of IC 14–34–7, has the meaning set forth in IC 14–34–7–0.7.

4. IC 14–8–2–274.5 Definition of Surface Mining Control and Reclamation Act

''Surface Mining Control and Reclamation Act'', for purposes of IC 14–34–7, has the meaning set forth in IC 14–34–7–2.5.

B. IC 14–34–5–10 Affected Area Status Reports

Indiana proposes to amend recodified IC 14–34–5–10 [previously IC 13–4.1–5–7] to read as follows.

A permittee must submit to the department an annual report that reflects the status of the permittee's mining and reclamation activities for each permit. The form, content, and date of filing of the report required by this section shall be prescribed by rule adopted under IC 4–22–2.

C. Indiana Proposes to Add the Following New Sections Pertaining to General Requirements of Performance Bonding at Recodified IC 14–34–6 [Previously IC 13–4.1–6]

1. IC 14–34–6–14.3

The director may release the bond, deposit, or letter of credit covering an area that has not been disturbed by surface coal mining activities. A release under this subsection is not subject to the public notice and hearing requirements set forth in sections 7 through 14 of this chapter.

2. IC 14–34–6–14.6

(a) This section applies when an applicant or permittee submits a bond, deposit, or letter of credit covering an area that: (1) has been disturbed by surface coal mining activities; and (2) is covered by another bond, deposit, or letter of credit previously submitted by another permittee.

(b) Except as provided in subsection (c), in a situation described in subsection (a): (1) The bond, deposit, or letter of credit previously submitted shall be released when the director accepts the bond deposit or letter of credit submitted by the applicant or permittee; and (2) the bond, deposit, or letter of credit submitted by the applicant or permittee: (A) is subject to the standards set forth in sections 7 through 14 of this chapter; and (B) may not be released under section 14.3 of this chapter.

(c) If two (2) or more persons who are applicants or permittees each file a bond, deposit, or letter of credit covering the same area, the persons may enter into a written agreement that allocates responsibility among the persons for the reclamation of the area.

If the agreement is approved by the director, the agreement governs the respective responsibilities of the persons for the reclamation of the area.

D. Indiana Proposes To Add the Following Definition Sections Pertaining to Self-Bonding at Recodified IC 14–34–7 [Previously IC 13–4.1–6.3]

1. IC 14–34–7–0.5 Definition of Collateral

As used in this chapter, ''collateral'' means the actual or constructive deposit, as appropriate, with the director of one (1) or more of the following types of property in support of a self-bond:

(1) A perfected, first-lien security interest in favor of the department of natural resources in real property located in Indiana that meets the requirements of this chapter.

(2) Securities backed by the full faith and credit of the United States government, or state government securities, that are: (A) acceptable to; (B) endorsed to the order of; and (C) placed in the possession of; the director.

(3) Personal property that is located in Indiana and owned by the applicant, the market value of which is more than one million dollars ($1,000,000) per property unit.

2. IC 14–34–7–0.6 Definition of Comparative Balance Sheet

As used in this chapter, ''comparative balance sheet'' means item accounts from a number of the operator's successive yearly balance sheets arranged side by side in a single statement.

3. IC 14–34–7–0.7 Definition of Comparative Income Statement

As used in this chapter, ''comparative income statement'' means an operator's income statement amounts for a number of successive yearly periods arranged side by side in a single statement.

4. IC 14–34–7–2.5 Definition of Surface Mining Control and Reclamation Act

As used in this chapter, ''Surface Mining Control and Reclamation Act'' means the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 through 1328).

E. IC 14–34–7–1 Definition of Liabilities

Indiana proposes to amend recodified IC 14–34–7–1 [previously IC 13–4.1–6.3–5] by adding the following exclusion statement to the end of the definition.

The term does not include amounts that are required to be recorded for financial accounting purposes under Statement of Financial Accounting Standards number 106 issued by the Financial Accounting Standards Board and effective December 1990.

F. Indiana Proposes To Amend Recodified IC 14–34–7–4 [Previously IC 13–4.1–6.3–2, 3, 4, and 8] by Revising Existing Subsections as Follows

1. IC 14–34–7–4(b) [Was IC 13–4.1–6.3–3] Definition of Current Liabilities

(b) As used in this section, ''current liabilities'' means: (1) obligations that are reasonably expected to be paid or liquidated within one (1) year or within the normal operating cycle of the business; plus (2) dividends payable on preferred stock within: (A) one (1) quarter, if declared; or (B) one (1) year, if a pattern of declaring dividends each quarter is apparent from past business practice.

2. IC 14–34–7–4(d) [Was IC 13–4.1–6.3–8] Conditions For Self-Bonding

a. At subsection (d), the language ''Subject to subsection (f)'' was added at the beginning of the introductory sentence and the language ''at the time the self-bond is accepted'' was added at the end of this sentence.

b. New paragraphs (3) through (6) were added to IC 14–34–7–4(d) to read as follows:

(3) The applicant is not subject to any outstanding cessation order issued under IC 13–4.1–11–5 (before its repeal), IC 14–34–15–6, or the Surface Mining Control and Reclamation Act.

(4) The applicant does not owe any civil penalties under IC 13–4.1–12 (before its repeal), IC 14–34–16, or the Surface Mining Control and Reclamation Act.

(5) The applicant does not owe any fees under this article, IC 13–4.1 (before its repeal), or the Surface Mining Control and Reclamation Act, and is not delinquent in the payment of any fees or civil penalties.

(6) The applicant's permit has never been suspended under this article or IC 13–4.1 (before its repeal), and the applicant is not listed on the Applicant Violator System (AVS).

c. *IC 14–34–7–4(d)(7).* Existing IC 13–4.1–6.3–8(3) was redesignated as IC 14–34–7–4(d)(7) and the introductory sentence was revised by changing the work ''show'' to ''demonstrate,'' by changing the word ''meets'' to ''satisfies,'' and by adding the phrase ''at least'' before the word ''one.'' The following subparagraphs were also revised.

The following additional requirement was added at IC 14–34–7–4(d)(7)(A).

The applicant must identify the rating service used by the applicant and provide any additional relevant information concerning how the serve arrived at the specific ratings.

The following additional requirement was added at IC 14–34–7–4(d)(7)(B).

The ratio requirements set forth in this clause must be met for the year immediately preceding the application, and must be documented for the four (4) years preceding the application. An explanation shall be included for any year in which the ratios of the applicant did not meet the requirements set forth in this clause. The failure of an applicant to meet the ratio requirements set forth in this clause for any of the four (4) years preceding the application does not necessarily disqualify an applicant for self-bonding under this chapter.

The following additional requirement was added at IC 14–34–7–4(d)(7)(C).

The ratio requirements set forth in this clause must be met for the applicant's fiscal year immediately preceding the application, and must be documented for the four (4) years preceding the application. An explanation shall be included for any year in which the rations of the applicant did not meet the requirements set forth in this clause. The failure of an applicant to meet the ration requirements set forth in this clause for any of the four (4) years preceding the application does not necessarily disqualify an applicant for self-bonding under this chapter.

d. *IC 14–34–7–4(d)(8).* Existing IC 13–4.1–6.3–8(4) was redesignated as IC 14–34–7–4(d)(8). New subparagraphs (C) and (D) were added and existing subparagraph (C) was redesignated (E). New subparagraphs (C) and (D) read as follows.

(C) Comparative financial data from a five (5) year period, that must include a comparative income statement and a comparative balance sheet.

(D) A statement listing: (i) every lien filed against any assets of the applicant in any jurisdiction in the United States for an amount that is more than two percent (2%) of the applicant's net worth; (ii) every action pending against the applicant; (iii) every judgment rendered against the applicant within the seven (7) years preceding the application that remains unsatisfied and for an amount that is more than two percent (2%) of the applicant's net worth; and (iv) any petitions or actions in bankruptcy against the applicant, including actions for reorganization.

3. *IC 14–34–7–4(e), (f), and (g).* Additional requirements for self-bonding were added at new subsections (e), (f), and (g).

(e) If an applicant submits financial information to demonstrate that the applicant satisfies the criteria set forth in subsection (d)(7)(B) or (d)(7)(C), the two (2) ratios set forth in subsection (d)(7)(B) or (d)(7)(C) shall be calculated with the proposed self-bond amount included in the current liabilities or total liabilities for the year of the application. The operator may deduct from the total liabilities the costs currently accrued for reclamation that appear on the balance sheet current in the year of the application.

(f) Notwithstanding subsection (d)(7), the director may not accept a self-bond from an applicant unless the financial ratios of the applicant are at least as favorable as those listed for the medium performers in the Dun and Bradstreet listing of Industry Norms and Key Business Ratios.

(g) Each lien, action, and petition listed under subsection (d)(8)(E) must be identified by the named parties, the jurisdiction in which the matter was filed, the case number, and the final disposition or the current status of any action still pending.

G. IC 14–34–7–4.1 Replacement of Self-Bonds

Indiana proposes to add the following new requirements for replacement of self-bonds at IC 14–34–7–4.1

(a) Before January 1, 1996, all self-bonds in effect on July 1, 1995, must be replaced in one (1) of the following ways: (1) The self-bond may be replaced by another form of bond allowed under IC 13–4.1–6. (2) The self-bonded permittee may reapply for self-bonding under this chapter.

(b) If the application of a permittee submitted under subsection (a)(2) is not accepted, the permittee must replace its self-bond with another form of bond allowed under IC 14–34–6.

H. IC 14–34–7–5 Corporate Guarantee

Indiana proposes to amend recodified IC 14–34–7–5 [previously IC 13–4.1–6.3–9] as follows.

1. New subsection (a) is added.

(a) A written guarantee accepted under this section is referred to as a ''corporate guarantee''.

2. Existing subsection (a) is redesignated as subsection (b), and the language ''at the time the self-bond is accepted'' is added after the word ''if.'' Also, subsection (b)(2) is revised by changing the word ''meets'' to ''satisfies,'' and replacing the reference to section 4(d)(4) with a reference to section 4(d)(8).

3. Existing subsection (b) is redesignated as subsection (c). Subsection (c)(1) is revised by adding the language ''complete the reclamation plan'' after the first reference to ''the guarantor shall.'' Subsection (c)(3) is revised by replacing the language ''The cancellation'' with the language ''A notice of cancellation of a corporate guarantee.'' Also at subsection (c)(3)(A), Indiana is requiring that for a replacement bond to be suitable, it must be allowed under IC 13–4.1–6 (before its repeal) or IC 14–34–6.

I. IC 14–34–7–7 Indemnity Agreement Conditions

Indiana proposes to amend recodified IC 14–34–7–7 [previously IC 13–4.1–6.3–11] as follows.

1. The introductory sentence is revised by removing the language ''subject to the following'' and adding the requirement that the indemnity agreement be submitted to the director. A second sentence requiring the indemnity agreement to meet the following requirements is added.

2. A new subsection IC 14–34–7–7(1) is added as follows.

(1) The indemnity agreement must provide in express terms that the persons or parties bound by the agreement are liable to the director for all costs incurred by the director: (A) in pursuing forfeiture of any self-bonds posted by the permittee for whom the indemnity agreement was submitted; and (B) in reclaiming those areas at which the permittee for whom the indemnity agreement was submitted retains excess monetary liability to the director under IC 14–34–6–16(c).

3. Existing subsections IC 14–34–7–7(1), (2), and (3) are redesignated IC 14–34–7–7(2), (3), and (4), respectively, with only minor language changes made to clarify the existing provisions.

4. Existing subsection IC 14–34–7–7(4) is redesignated IC 14–34–7–7(5), and the language ''in default'' is removed and replaced with the language ''as to which a bond has been forfeited for failure to reclaim.''

5. A new subsection IC 14–34–7–7(6) is added as follows.

(6) All bonds and guarantees must be indemnified corporately and personally by all principals.

J. IC 14–34–7–7.1 Use of Collateral to Support a Self-Bond

Indiana proposes to add the following new section at IC 14–34–7–7.1.

(a) If an application for self-bonding is rejected based on the information required by section 4 of this chapter or limitations set forth in section 4 of this chapter, the applicant may offer collateral (as defined in section 0.5 of this chapter) and an indemnity agreement to support the applicant's self-bond application. An indemnity agreement offered under this subsection is subject to the requirements of section 7 of this chapter.

(b) The following information must be provided about collateral offered under subsection (a) to support a self-bond: (1) The value of the property. The property must be valued at the difference between the fair market value of the property and reasonable expenses the department anticipates incurring in selling the property. The fair market value must be determined by an appraiser proposed by the applicant. The director may reject an appraiser proposed by the applicant. An appraisal of property must

be performed expeditiously and a copy of the appraisal must be furnished to the director and the applicant. The applicant must pay the cost of the appraisal. (2) A description of the property, indicating that the property is satisfactory for deposit under this section, and a statement of: (A) all liens, encumbrances, or adverse judgments imposed on the property; and (B) any pending litigation relating to the property.

(c) The director has full discretion in accepting collateral offered under subsection (a) to support a self-bond.

(d) Real property offered as collateral under subsection (a) may not include lands that are in the process of being mined or reclaimed or lands that are the subject of an application under this chapter. The operator may offer land that was formerly subject to a bond if the bond has been released.

(e) Securities offered as collateral under subsection (a) may include only securities that meet the definition of collateral set forth in section 0.5 of this chapter.

(f) Personal property offered as collateral under subsection (a) must be in the possession of the operator, must be unencumbered, and may not include the following: (1) Property that is already being used as collateral. (2) Goods that the operator sells in the ordinary course of business (3) Fixtures. (4) Certificates of deposit that are not federally insured or that are issued by a depository that is unacceptable to the director.

(g) Evidence of ownership of property offered as collateral under subsection (a) must be submitted in one(1) of the following forms: (1) If the property offered is real property, the interest of the applicant must be evidenced by a title certificate or similar evidence of title and encumbrance prepared by an abstract office that is: (A) authorized to transact business in Indiana; and (B) satisfactory to the director. (2) If the property offered is a security, the operator's interest must be evidenced by possession of the original or a notarized copy of the certificate or a certified statement of account from a brokerage house. (3) If the property offered is personal property, evidence of ownership must be submitted in a form that: (A) is satisfactory to the director; and (B) affirmatively establishes unencumbered title to the property of the operator.

(h) An applicant that offers personal property as collateral under subsection (a), in addition to submitting the evidence required by subsection (g), must satisfy the financial requirements set forth in section 4(d)(7)(B) and 4(d)(7)(C) of this chapter.

(i) If the director accepts personal property from an applicant as collateral under subsection (a), the director shall require the following: (1) Quarterly and annual maintenance reports prepared by the applicant. (2) A perfected, first lien security interest in the property in favor of the department of natural resources. The security interest must be perfected through: (A) the filing of a financing statement; or (B) surrender of possession of the collateral to the department under subsection (k).

(j) If the director accepts personal property from an applicant as collateral under subsection (a), the director may require quarterly or annual inspections of the personal property by a qualified representative of the department.

(k) If the director accepts personal property form an applicant as collateral under subsection (a), the director shall, as applicable, require: (1) possession by the department of the personal property; or (2) a mortgage or security agreement executed by the applicant in favor of the department.

(l) The property interest conveyed under subsection (k) vests in the department to secure the right and power to sell or otherwise dispose of the property by public or private proceedings so as to ensure reclamation of the affected lands in accordance with the reclamation plan.

(m) A mortgage executed under subsection (k)(2) must be executed and recorded so as to be first in time and constitute notice of the interest of the department in the property to any prospective subsequent purchaser of the property.

(n) Any income received from the collateral during the period when the collateral is in the possession of the department shall be remitted to the applicant.

(o) If collateral is left in the possession of the applicant, the security agreement executed under subsection (k)(2) must require that, upon default, the applicant shall assemble the collateral and make it available to the department at a place designated by the department that is reasonably convenient to both parties. All costs of transporting and assembling the collateral shall be borne by the applicant.

(p) With the consent of the director, an applicant may substitute other property for any property accepted and held as collateral under this section. Property may be substituted under this subsection only if: (1) all the information required concerning property originally submitted as collateral is provided concerning the proposed substitute collateral; and (2) all requirements of this section are met with respect to the proposed substitute collateral so that all obligations relating to mining operations are secured under all period of time.

(q) If collateral is posted under subsection (a) to support a self-bond, the applicant shall: (1) notify all persons that have an interest in the collateral of the posting of the collateral and of all other actions affecting the collateral; and (2) provide copies of the notices provided under subdivision (1) to the director.

K. IC 14–34–7–8 Information Requirements for Self-Bonding

Indiana proposes to revise recodified IC 14–34–7–8 [previously IC 13–4.11–6.3–12] as follows.

The director shall require self-bonded applicants and corporate guarantors to submit: (1) an update of the information required under section 4(d)(7), 4(d)(8), and 4(f) of this chapter within ninety (90) days after the close of each fiscal year; and (2) information required under section 4(d)(8)(B) of this chapter on a quarterly basis not later than sixty (60) days after the end of each quarter; following the issuance of the self-bond or corporate guarantee.

L. IC 14–34–7–9 Requirements for a Change in Financial Conditions

Indiana proposes to revise recodified IC 14–34–7–9 [previously IC 13–4.1–6.3–13] by changing the referenced section 4(d)(3) to sections 4(d)(7) and (4)(f) and by replacing the word ''not'' with the words ''no longer.''

M. IC 14–34–7–10 Self-Bonding Report Requirements

Indiana proposes to add the following new section at IC 14–34–7–10.

(a) An applicant shall submit, in addition to the financial information required under section 4 of this chapter, a report prepared by a qualified independent public accounting consultants selected from a list of public accounting consultants approved by the director. The director shall consider the information in the report when deciding whether to accept the self-bond of an applicant.

(b) The director may also require reports described in subsection (a) after the director accepts the applicant's self-bond, but not more than one (1) time every three (3) years while the self-bond is posted, except as provided in subsection (d).

(c) A consultant who prepares a report under this section must: (1) verify that the financial information required under section 4of this chapter was prepared in accordance with generally accepted accounting principles; (2) verify that the accounting principles referred to in subdivision (1) were applied consistently for each year of the period for which the information is submitted; (3) state the amount of, and reason for, any restatement of the financial information referred to in subdivision (1) that is necessary to meet the requirements of subdivision (2); and (4) state whether any information reviewed during the preparation of the report would lead the consultant to conclude that the applicant would not meet the requirements of section 4 of this chapter at the end of each of the three (3) fiscal years ending after the calendar month in which the report is completed.

(d) If the consultant who prepares a report under this section is unable to provide the information required by subsection (c)(4), the applicant for whom the report is prepared shall submit an updated report annually.

(e) An applicant shall submit a report required under this section not later than ninety (90) days after the director notifies the applicant or permittee that the report is required.

(f) If an applicant fails to submit a report required under subsection (a), the director shall refuse to accept the self-bond of the applicant until the applicant files the report.

(g) If a permittee who has posted a self-bond under this chapter fails to submit a report required under subsection (b), the director may require the permittee to post an alternate form of bond not later than ninety (90) days after the deadline for the submission of the report.

N. IC 14–34–7–11 Self-Bond Coverage Requirements

Indiana proposes to add the following new section at IC 14–34–7–11.

(a) The director may not accept an applicant's self-bond under this chapter in an increment unless, when the self-bond is initially approved under this chapter, the total area of the increment is one hundred percent (100%) self-bonded.

(b) When a self-bond is initially accepted from a permit applicant under this chapter, the self-bond may cover areas subject to the permit on which, as of July 1, 1995, grading has been deferred.

(c) After a self-bond is accepted under this chapter: (1) coverage under the self-bond continues on any areas subject to a grading deferral that is in existence on July 1, 1995, if the grading deferral is subsequently extended beyond its original term; but (2) an area subject to the permit as to which a grading deferral is granted after July 1, 1995, may not be covered by self-bonding.

(d) An area described in subsection (c)(2): (1) must be covered by another form of bond allowed under IC 14–34–6; and (2) may not be covered by the surface coal mine reclamation bond pool established by IC 14–34–8.

O. IC 14–34–7–12 Self-Bond Phase I Grading Release Requirements

Indiana proposes to add the following new section at IC 14–34–7–12.

(a) If a permittee who posted a self-bond under this chapter does not file an application for a Phase I grading release with the department before the second November 1 after the year in which the coal was removed from the site covered by the self-bond, the permittee shall replace the self-bond with an alternate form of bond within ninety (90) days of the November 1 deadline established under this subsection.

(b) If: (1) a permittee who posted a self-bond under this chapter files an application for a Phase I grading release with the department before the second November 1 after the year in which the coal was removed from the site covered by the self-bond; but (2) the application is rejected by the department; the permittee replace the self-bond with an alternate form of bond not later than ninety (90) days after the denial of the application for a Phase I grading release becomes a final order of the department.

(d) All acreage and structures that are within a permitted area and are used to facilitate active mining and reclamation operations are exempt from subsection (c). Areas described in this subsection include, but are not limited to, the following: (1) Processing sites. (2) Tipples. (3) Railroad sidings. (4) Buildings. (5) Haul roads. (6) Topsoil stockpiles. (7) Sediment ponds.

(e) For the purposes of subsection (d), the director shall determine what areas are used to facilitate active mining and reclamation operations.

(f) A permittee shall submit annual reports to the department in a form that the director considers necessary to facilitate the effective monitoring of acres under self-bonding that have been affected and reclaimed.

(g) An area that: (1) is not subject to the time limitations set forth in subsection (c); and (2) has been used for the disposal of: (A) coal combustion fly or bottom ash; (B) flue gas desulfurization byproducts generated by coal combustion units; or (C) coal processing wastes; is no longer eligible for self-bonding ten (10) years after the disturbance of the area or the self-bonding of the area, whichever is later. An alternative from of bond must be posted for the area under IC 14–34–6 not later than ninety (90) days after the area becomes ineligible for self-bonding under this subsection.

(h) Whenever an area is determined to be no longer eligible for self-bonding, and an alternative form of bond is posted under IC 14–34–6, the area: (1) is never again eligible for self-bonding; and (2) may not be bonded by the surface coal mine reclamation bond pool established under IC 13–4.1–6.5–3.

P. IC 14–34–7–13

Indiana proposes to add the following new section at IC 14–34–7–13.

For purposes of IC 1–1–1–8, if the amendments to IC 14–34–7–1, as amended by SEA 125–1995, are held invalid or otherwise unenforceable, the other amendments to IC 14–34–7 made by SEA 125–1995 are also void.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t., on February 6, 1996. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

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).

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, to the extent allowed by law, 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 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.

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 (42 U.S.C. 4332(2)(C)).

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.*).

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 which 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 9, 1996.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96–648 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–05–M

Notices

Federal Register
Vol. 61, No. 14
Monday, January 22, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 95–090–1]

Monsanto Co.; Receipt of Petition for Determination of Nonregulated Status for Potato Lines Genetically Engineered for Insect Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from the Monsanto Company seeking a determination of nonregulated status for certain potato lines genetically engineered for resistance to the Colorado potato beetle. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting public comments on whether these potato lines present a plant pest risk.

DATES: Written comments must be received on or before March 22, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–090–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–090–1. A copy of the petition and any comments received may be inspected 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 access to that room to inspect the petition or comments are asked to call in advance of visiting at (202) 690–2817.

FOR FURTHER INFORMATION CONTACT: Dr. James Lackey, Biotechnology Permits, BBEP, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1237; (301) 734–7612. To obtain a copy of the petition, contact Ms. Kay Peterson at (301) 734–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.'' The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On December 4, 1995, APHIS received a petition (APHIS Petition No. 95–338–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, requesting a determination of nonregulated status under 7 CFR part 340 for two Superior potato lines (SPBT02–5 and SPBT02–7) which have been transformed with plasmid vector PV–STBT02. On December 15, 1995, APHIS received Monsanto's amendment to its petition to include five Atlantic potato lines (ATBT04–6, ATBT04–27, ATBT04–30, ATBT04–31 and ATBT04–36) transformed with plasmid vector PV–STBT04. Plasmid vectors PV–STBT02 and PV–STBT04 confer resistance to the Colorado potato beetle (CPB). The Monsanto petition states that the subject potato lines should not be regulated by APHIS because they do not present a plant pest risk.

As described in the petition, the two Superior potato lines transformed with plasmid vector PV–STBT02 and the five Atlantic potato lines transformed with plasmid vector PV–STBT04 have been genetically engineered to contain the *cryIIIA* gene from the common soil bacterium *Bacillus thuringiensis* subsp. *tenebrionis* (Btt), which encodes a delta-endotoxin insect control protein that is effective against CPB. The components of the two plasmid vectors, PV–STBT02 and PV–STBT04, are identical with the exception of the promoter for the *cryIIIA* gene. In the two Superior potato lines transformed with plasmid vector PV–STBT02, expression of the *cryIIIA* gene is controlled by the enhanced cauliflower mosaic virus (CaMV) 35S promoter and the nontranslated region of the pea small subunit of ribulose-1,5-bisphosphate carboxylase. In the five Atlantic potato lines transformed with plasmid vector PV–STBT04, the second chimeric gene consists of the *Arabidopsis thaliana* ribulose-1,5-bisphosphate carboxylase small subunit *ats*1A promoter.

The subject potato lines also contain the *nptII* gene from the prokaryotic transposon Tn5 which encodes the enzyme neomycin phosphotransferase II and is used as a selectable marker for transformation. Expression of the *nptII* gene in the two Superior and five Atlantic potato lines is controlled by the CaMV 35S promoter and the 3′ region of the nopaline synthase gene. The genes used to develop the subject potato lines were stably transferred into the genome of potato plants through the use of an *Agrobacterium tumefaciens* transformation system.

Plasmid vector PV–STBT02 is the same vector used to transform the seven Russet Burbank potato lines for which APHIS issued a determination of nonregulated status on March 2, 1995 (60 FR 13108–13109, March 10, 1995). However, unlike the Russet Burbank potato variety, which is male sterile, Superior and Atlantic potato varieties are male fertile.

The subject Superior and Atlantic potato lines have been considered regulated articles under the regulations in 7 CFR part 340 because they contain gene sequences derived from plant pathogens. The subject potato lines have been evaluated in field trials conducted since 1992 under APHIS permits or notifications. In the process of reviewing the applications for field trials of these potato lines, APHIS determined that the vectors and other elements were disarmed and that the trials, which were conducted under conditions of reproductive and physical

containment or isolation, would not present a risk of plant pest introduction or dissemination.

In the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), ''plant pest'' is defined as ''any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured or other products of plants.'' APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including insecticides, be registered prior to distribution or sale, unless exempt by EPA regulation. Residue tolerances for pesticides are established by EPA under the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA. EPA announced issuance of a conditional registration to Monsanto on May 5, 1995, for full commercialization of the plant pesticide Btt CryIII(A) delta endotoxin and the genetic material necessary for its production in potato. In addition to the registration, EPA also issued an exemption from the requirement of a tolerance for residues of the subject plant pesticide in potatoes on May 3, 1995 (60 FR 21725–21728), as requested by Monsanto.

FDA published a statement of policy on foods derived from new plant varieties in the Federal Register on May 29, 1992 (57 FR 22984–23005). The FDA statement of policy includes a discussion of FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering. Monsanto completed its consultations with FDA for Russet Burbank potato lines containing the Btt *cryIII(A)* gene and has initiated consultations with FDA for the Superior and Atlantic potato lines that are the subject of this notice.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice). After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the Federal Register announcing the regulatory status of Monsanto's Superior potato lines SPBT02–5 and SPBT02–7 and Atlantic potato lines ATBT04–6, ATBT04–27, ATBT04–30, ATBT04–31, and ATBT04–36, and the availability of APHIS' written decision.

Authority: 7 U.S.C. 150aa–150jj, 151–167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 11th day of January 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–661 Filed 1–19–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Questionnaire Pretesting Research Addendum

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 22, 1996.

ADDRESSES: Direct all written comments to Margaret Woody, Department of Commerce, Room 5327, 14th and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Theresa J. DeMaio, U.S. Bureau of the Census, Room 3127, FOB 4, Washington, DC 20233–9150, (301) 457–4894.

SUPPLEMENTARY INFORMATION:

I. Abstract: This research program is used by the Census Bureau and survey sponsors to improve questionnaires and procedures, reduce respondent burden, and ultimately increase the quality of data collected in the Census Bureau censuses and surveys. The clearance is a generic approval for this type of work with an annual respondent burden hour ceiling. The Census Bureau is planning a revision to the program to include quick tests for improving the 2000 Decennial Census of Population and Housing. The additional tests will add 7,500 respondent burden hours to the clearance on an annual basis.

II. Method of Collection: Mail, telephone, face-to-face.

III. Data

OMB Number: 0607–0725.

Form Number: Various.

Type of Review: Regular.

Affected Public: Individuals or Households, Farms, Business or other for-profit institutions.

Estimated Number of Respondents: 12,000.

Estimated Time Per Response: 1 hour.

Estimated Total Annual Burden Hours: 12,000.

Estimated Total Annual Cost: There is no way to anticipate the actual number of participants, length of interview, and/or mode of data collection for the survey and census activities to be conducted under this clearance. Given that the ''quick testing'' includes refining or improving upon positive or unclear results from other tests or new ideas, it is impossible to estimate in advance the cost to the Federal government. But the overall goal of this revision is to give the Census Bureau opportunities to do quick testing that will yield information to reduce overall costs of the 2000 decennial census program.

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: January 16, 1996.

Margaret Woody,

Office of Management and Organization.

[FR Doc. 96–747 Filed 1–19–96; 8:45 a.m.]

BILLING CODE 3510–07–P

Supplemental Questions on Child Support Expenditures for the April 1996 Current Population Survey

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 22, 1996.

ADDRESSES: Direct all written comments to Margaret Woody, Department of Commerce, Room 5310, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Francia McDaniel, Bureau of the Census, FOB 3, Room 3340, Washington, DC 20233–8400, (301) 457–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau is requesting an additional separate set of questions about child support expenditures at the end of the April 1996 supplement to the Current Population Survey (CPS). This supplement currently focuses on child support received. Once collected, these data on child support payments will be used in conjunction with income data collected in the March supplement to the CPS. The purpose is to help refine the concept of income resources available to families, and is one aspect of the Government's large-scale investigation into new methods of determining poverty.

We will ask the new set of questions on child support expenditures in addition to the supplemental questions on child support receipts (submitted separately) to avoid undue processing and respondent burden that would arise by placing them at the end of the March CPS. We will consider these items to be administrative data for the March CPS for internal use by the Census Bureau research staff. These data will not be disseminated on the April public use file. In terms of respondent burden of the April 1996 CPS, only a small number of families will be eligible to answer both existing and new sections of the supplement.

II. Method of Collection

This supplemental information will be collected by both personal visit and telephone interviews in conjunction with the regular monthly CPS interviewing. All interviews are conducted using computers.

III. Data

OMB Number: New collection; none assigned yet.

Form Number: There are no forms associated with this supplement. We conduct all interviewing on computers.

Type of Review: Regular.

Affected Public: Individuals or households.

Estimated Number of Respondents: 47,000.

Estimated Time Per Response: .25 minute.

Estimated Total Annual Burden Hours: 196.

Estimated Total Annual Cost: $30,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and, (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 16, 1996.

Margaret Woody,

Office of Management and Organization.

[FR Doc. 96–748 Filed 1–19–96; 8:45 a.m.]

BILLING CODE 3510–07–P

Bureau of Export Administration

[Docket No. 96–0111007–6007–01]

RIN 0694–XX04

Temporary Extension of Export License Validity Period

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce's (DOC) Bureau of Export Administration (BXA) requires validated licenses for the export of certain items that are controlled based on national security, foreign policy, non-proliferation and short supply considerations. These controls are set forth in the Export Administration Regulations (EAR) 15 CFR parts 730–799. A validated license is generally valid for 24 months from the last day of the month during which it issued.

By this notice, BXA hereby extends for a period of two months the validity period of all individual validated licenses (IVL) that expired on December 31, 1995 or will expire by January 31, 1996 (e.g., an IVL that expired on December 31, 1995 is valid until February 29, 1996). This action is being taken pursuant to § 772.12 of the EAR and is designed to facilitate exports that have been previously approved by BXA but were not shipped prior to the expiration of the license validity period. All conditions that applied to the expired IVL continue to apply for the period of the extension.

BXA anticipates that the temporary extension of the IVL validity period will assist exporters who were not able to file applications during the period that BXA was not open for regular business operations.

FOR FURTHER INFORMATION CONTACT: Eileen M. Albanese, Director, Office of Exporter Services, Bureau of Export Administration, Tel: (202) 482–4532; Fax (202) 482–3322.

Dated: January 17, 1996.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 96–704 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–DT–P

International Trade Administration

[A–122–601]

Brass Sheet and Strip from Canada; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on brass sheet, and strip (BSS) from Canada. The review covers one manufacturer/exporter of this merchandise to the United States, and the period January 1, 1993 through December 31, 1993. The review indicates the existence of dumping margins for this period.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between the United States price (USP) and FMV.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois, Karen Park, or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

On January 12, 1987, the Department published in the Federal Register (52 FR 1217) the antidumping order on BSS from Canada. Based on timely requests for review, on February 17, 1994, in accordance with 19 CFR 353.22(c), we initiated an administrative review of Wolverine Tube (Canada) Inc. (Wolverine), for the period January 1, 1993 through December 31, 1993 (59 FR 7979).

Applicable Statute and Regulations

The Department has conducted this administrative review in accordance with section 751 of the Tariff Action 1930, as amended (the Tariff Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations refer to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by the review are shipments of brass sheet and strip, other than leaded and tin brass sheet and strip. The chemical composition of the covered products is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C2000. Products whose chemical composition is defined by other C.D.A. or U.N.S. series are not covered by this order.

The physical dimensions of the products covered by this review are brass sheet and strip of solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coil, wound-on-reels (traverse wound), and cut-to-length products are included. During the review such merchandise was classifiable under Harmonized Tariff Schedule (HTS) subheadings 7409.21.00 and 7409.29.00. Although the HTS subheading is provided for convenience and for Customs purposes, the written description of the scope of this order remains dispositive.

The review covers one Canadian manufacturer/exporter, Wolverine, and the period January 1, 1993 through December 31, 1993.

Verification

As provided in section 776(b) of the Tariff Act, we verified information provided by the respondent by using standard verification procedures, including on-site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public versions of the verification report.

United States Price

We based USP on purchase price, in accordance with section 772 of the Act.

We calculated purchase price based on packed, delivered, duty-paid prices. In accordance with section 772(d)(2) of the Act, we made deductions for movement expenses and customs duties. Movement expenses included fees for brokerage and handling, and U.S. and foreign inland freight.

In addition, we adjusted USP for taxes in accordance with our practice outlined in the following section on *Value-Added Taxes.*

No other adjustments were claimed or allowed.

Value-Added Taxes

In light of the Federal Circuit's decision in *Federal Mogul* v. *United States*, CAFC No. 94–1097, the Department has changed its treatment of home market consumption taxes. Where merchandise exported to the United States is exempt from the consumption tax, the Department will add to the U.S. price the absolute amount of such taxes charged on the comparison sales in the home market. This is the same methodology that the Department adopted following the decision of the Federal Circuit in *Zenith* v. *United States*, 988 F.2d 1573, 1582 (1993), and which was suggested by that court in footnote 4 of its decision. The Court of International Trade (CIT) overturned this methodology in *Federal Mogul* v. *United States*, 834 F. Supp. 1391 (1993), and the Department acquiesced in the CIT's decision. The Department then followed the CIT's preferred methodology, which was to calculate the tax to be added to U.S. price by multiplying the adjusted U.S. price by the foreign market tax rate; the Department made adjustments to this amount so that the tax adjustment would not alter a ''zero'' pre-tax dumping assessment.

The foreign exporters in the *Federal Mogul* case, however, appealed that decision to the Federal Circuit, which reversed the CIT and held that the statute did not preclude Commerce from using the ''*Zenith* footnote 4'' methodology to calculate tax-neutral dumping assessments (*i.e.*, assessments that are unaffected by the existence or amount of home market consumption taxes). Moreover, the Federal Circuit recognized that certain international agreements of the United States, in particular the General Agreement on Tariffs and Trade (GATT) and the Tokyo Round Antidumping Code, required the calculation of tax-neutral dumping assessments. The Federal Circuit remanded the case to the CIT with instructions to direct Commerce to determine which tax methodology it will employ.

The Department has determined that the ''*Zenith* footnote 4'' methodology

should be used. First, as the Department has explained in numerous administrative determinations and court filings over the past decade, and as the *Federal Circuit* has now recognized, Article VI of the GATT and Article 2 of the Tokyo Round Antidumping Code required that dumping assessments be tax-neutral. This requirement continues under the new Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. Second, the URAA explicitly amended the antidumping law to remove consumption taxes from the home market price and to eliminate the addition of taxes to U.S. price, so that no consumption tax is included in the price in either market. The Statement of Administrative Action (p. 159) explicitly states that this change was intended to result in tax neutrality.

While the ''*Zenith* footnote 4'' methodology is slightly different from the URAA methodology, in that section 772(d)(1)(C) of the pre-URAA law required that the tax be added to United States price rather than subtracted from home market price, it does result in tax-neutral duty assessments. In sum, the Department has elected to treat consumption taxes in a manner consistent with its longstanding policy of tax-neutrality and with the GATT.

Cost of Production Analysis

Due to the existence of sales below the cost of production (COP) in the last completed review of Wolverine, the Department has reasonable grounds to believe or suspect that sales below the COP may have occurred during this review. *See Carbon Steel Butt Weld Pipe Fittings from Taiwan; Preliminary Results of Administrative Review,* 59 FR 66001 (December 22, 1994). Therefore, pursuant to section 773(b) of the Act, in this review we initiated a cost of production (COP) investigation of Wolverine.

In accordance with 19 CFR 353.51(c) we calculated COP based on the cost of materials, fabrication, and general expense, but excluding profit, incurred in producing such or similar merchandise. The Department relied on submitted COP and constructed value (CV) information except in the following instances where the costs were not appropriately quantified or valued:

1. We added the cost of subcontracted labor to the total direct labor pool to reflect the total labor costs associated with the production of the subject merchandise.

2. We reclassified certain general and administrative (G&A) expenses to fixed overhead cost to allocate the appropriate G&A expenses incurred for the production of subject merchandise.

After computing COP, we compared it to the reported home market prices net of movement charges and discounts. In accordance with section 773(b) of the Tariff Act and 19 CFR 353.51(a), in determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade.

In accordance with Section 773(b)(1) of the Tariff Act, to determine whether sales below cost had been made in substantial quantities, we applied the following methodology. For each model for which less than 10 percent, by quantity, of the home market sales during the POR that were made at prices below COP, we included all sales of that model in the computation of FMV. For each model for which 10 percent or more, but less than 90 percent, of the home market sales during the POR were priced below the merchandise's COP, we excluded from the calculation of FMV those home market sales priced below the merchandise's COP, provided that they were made over an extended period of time. For each model for which 90 percent or more of the home market sales during the POR were priced below COP and made over an extended period of time, we disregarded all sales of that model in our calculation and, in accordance with 773(b) of the Tariff Act, we used the constructed value (CV) of those models, as described below. *See Final Results of Antidumping Duty Administrative Review; Tapered Roller Bearings Four Inches or Less in Outside Diameter, and Certain Components Thereof,* 56 FR 26054, 26060 (June 6, 1991).

In accordance with section 773(b)(1) of the Tariff Act, to determine whether sales below cost had been made over an extended period of time, we compared the number of months in which sales below cost occurred for a particular model to the number of months during the POR in which that model was sold. If a model was sold in fewer than three months during the POR, we did not exclude the below cost sale unless there were below cost sales in each month of sale. If a model was sold in three or more months during the POR, we did not exclude below-cost sales unless there were sales below cost in at least three of the months in which the model was sold. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt Weld Pipe Fitting from Thailand,* 60 FR 10552, 10554 (February 27, 1995).

The Department determined that Wolverine provided no evidence that its below COP prices would permit recovery of all costs within a reasonable period time in the normal course of trade. Therefore, in accordance with Section 773(b) we disregarded these below cost sales in our FMV calculations.

Foreign Market Value

The Department used home market price to calculate FMV, as defined in section 773 of the Act. Because the home market was viable as defined by 19 CFR 353.48(a), we compared U.S. sales with sales of such or similar merchandise sold in the home market.

FMV was based on packed, delivered prices to unrelated home market purchasers. In accordance with 19 CFR 353.56 we made adjustments for bona fide difference in the circumstances of the sales compared, where applicable, for home market credit, post-sale inland freight, and U.S. credit cost. We made no adjustment for differences in packing costs.

We calculated FMV using monthly weighted-average prices of brass sheet and strip having the same characteristics with respect to alloy, gauge, width, temper and form.

We adjusted for Canadian consumption tax as mentioned above.

No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margin exists for the period January 1, 1993, through December 31, 1993:

Manufacturer/producer/exporter	Margin percent
Wolverine	1.39

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication, Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later

than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of the final results in this review the Department will issue appropriate appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of our final results of review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act:

(1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review;

(2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published in the most recent period;

(3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established in the most recent period for the manufacturer of the merchandise; and

(4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 8.10 percent, the all others rate established in the LTFV investigation (51 FR 44319).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 14, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–750 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–DS–P

Initiation of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of New Shipper Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) has received a request to conduct a new shipper administrative review of an antidumping duty order with a May anniversary date. In accordance with the Department's Interim Regulations, we are initiating this administrative review.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received a request, pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act), and Section 353.22(h) of the Department's Interim Regulations (60 FR 25130, 25134 (May 11, 1986)) Interim Regulations), for a new shipper review of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India, which has a May anniversary date.

Initiation of Review

The request for review satisfies the requirements of Section 353.22(h) of the Department's Interim Regulations. Therefore, in accordance with section 751(a)(2)(B)(ii) of the Act, we are initiating a new shipper review of the antidumping duty order on certain welded carbon steel standard pipes and tubes from India. We intend to issue the final results of review not later than 270 days from the date of publication of this notice.

Antidumping duty proceeding	Period to be reviewed
India:	
Certain Welded Carbon Steel Standard Pipes and Tubes from India A–533–502.	5/01/95–10/31/95
Rajinder Pipes Limited of India.	

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above listed companies, in accordance with Section 353.22(h)(4) of the Interim Regulations.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with Section 353.34(b) of the Department's regulations (19 CFR 353.34(b) 1995)).

This initiation and this notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B) and Section 353.22(h) of the Interim Regulations.

Dated: December 13, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–749 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket No. 951107262–5262–01]

Customized Market Analysis (CMA): Name Change and Price List for FY96

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of program name change and price list for FY96.

SUMMARY: The United States and Foreign Commercial Service (''Commercial Service''), an organization of the International Trade Administration, announces a program name change to Customized Market analysis (CMA) from Customized Sales Survey (CSS). The name change is necessary to better describe the scope and purpose of the program. Potential clients can better determine its applicability in their export strategy. In addition, we are including a current price list for ordering a CMA in numerous countries worldwide. The price list is modified annually.

We hereby inform the public of the new name of the program as Customized Market Analysis (CMA) and the cost of placing a CMA order for research in various countries worldwide.

DATES: The new name was effective October 1, 1995 and onward until further notice. The price list is effective October 1, 1995 through September 30, 1996.

ADDRESSES: Customized Market Analysis (CMA) Program, OEIRS/IMAB, Room 2202, Export Promotion Services, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington D.C. 20230.

FOR FURTHER INFORMATION CONTACT: CMA Program Manager, U.S. Department of Commerce, International Trade Administration, Room 2202, 14th Street and Constitution Avenue, NW., Washington D.C. 20230. Tel (202) 482–4418. Fax (202) 482–0973.

SUPPLEMENTARY INFORMATION: In an effort to assist the public in better determining the purpose and scope of the program, we have permanently changed the name of our made-to-order, product-specific market research program to Customized Market Analysis (CMA).

The price list below informs the public of the countries where CMA is available and the cost of ordering a CMA. The price list may be adjusted prior to the end of the Fiscal Year to reflect changes in country offerings and extraneous circumstances. For current price and country information contact CMA Program Manager above or your local U.S. Department of Commerce District Office, listed in your phone directory.

Customized Market Analysis (CMA) Program Description

The Customized Market Analysis (CMA) is a market research report ordered by a U.S. client on a specific product, or product-line that can be researched as a single product, in a specific country. CMAs are normally ordered through U.S. Department of Commerce District Offices but orders may also be taken at overseas Posts where the ''Commercial Service'' has a presence, and, on rare occasions, the CMA office at Headquarters in Washington D.C.

CMA reports consist of nine standard parts for a specific product. The nine parts provide information including sales potential, competitor information, sales and distribution channels, pricing of comparable/competitive products, profile of potential buyers, venues for market exposure, information on quotas, duties, regulations, potential buyers and/or distributors, and licensing or joint venture interest by local business entities. CMA reports can be further customized or expanded for an additional cost which is negotiated prior to finalizing the request.

Customized Market Analysis (CMA) Price List for FY96

The following price list is subject to change to reflect changes in country availability, and to reflect changes in prices when extraneous circumstances overseas require a price adjustment.

Following is the price list for FY96:

Argentina	2,200
Australia	1,500
Austria	2,600
Belgium	2,300
Brazil	3,100
Canada	3,700
Chile	1,700
China *	
Beijing	2,500
Guangzhou	2,500
Shanghai	2,500
Colombia	2,600
Costa Rica	1,200
Cote D'Ivoire	2,000
Denmark	1,500
Dominican Republic	1,200
Ecuador	1,200
Egypt	1,100
Finland	1,300
France	2,500
Germany	3,600
Greece	2,100
Guatemala	1,000
Honduras	1,000
Hong Kong	2,400
Hungary	2,100
India	1,700
Indonesia	3,400
Italy	2,200
Japan	5,100
Kenya	1,400
Korea	2,600
Kuwait	2,100
Madagascar *	1,000
Malaysia	1,600
Mexico	2,600
Netherlands	1,700
New Zealand	1,600
Panama	1,400
Peru	1,200
Philippines	1,300
Poland	1,600
Portugal	1,700
Russia	* 3,100
Singapore	1,600
South Africa	2,000
Sweden	3,200
Switzerland	2,100
Taiwan	1,700
Thailand	2,600
Turkey	1,300
United Arab Emirates	1,400
United Kingdom	* 2,500
Venezuela	2,500

Notes to price list;

Prices subject to change.

(1) CHINA offers regional CMA only. Contact Barbara Billips in Beijing for feasibility of CMA and region selection in China (Beijing, Shanghai, and Guangzhou).

(2) MADAGASCAR is a State Department Post, please contact CMA Office for information on how to proceed.

(3) RUSSIA offers free Gold Key Service in Moscow, St. Petersburg, and/or Vladivostok within six months of completion of a CMA.

(4) UNITED KINGDOM offers, for CMA customers, a Gold Key Service at half price. A one-day visit would cost US $200 and US $125 for each additional day.

Dated: December 15, 1995.

Mary Fran Kirchner,

Deputy Assistant Secretary, Export Promotion Services, U.S. & Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce.

[FR Doc 96–627 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–FP–M

The Regents of the University of California, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

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.

Docket Number: 95–086. *Applicant:* The Regents of the University of California, Riverside, CA 92521. *Instrument:* Electron Microscope, Model CM300. *Manufacturer:* N.V. Philips, Netherlands. *Intended Use:* See notice at 60 FR 54337, October 23, 1995. *Order Date:* April 19, 1995.

Docket Number: 95–091. *Applicant:* Northwestern University, Evanston, IL 60208. *Instrument:* Electron Microscope, Model H–8100. *Manufacturer:* Hitachi Instruments, Japan. *Intended Use:* See notice at 60 FR 54337, October 23, 1995. *Order Date:* February 10, 1995.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each

instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 96–752 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–DS–F

University of Maryland at College Park, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made 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.

Docket Number: 95–082. *Applicant:* University of Maryland at College Park, MD 20742. *Instrument:* Pulsed Surface Plasma Source and Power Supply. *Manufacturer:* Budker Institute of Nuclear Physics, CIS. *Intended Use:* See notice at 60 FR 50554, September 29, 1995. *Advice Received From:* Los Alamos National Laboratory, October 25, 1995.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) a high energy negative hydrogen ion beam source, (2) beam brightness 7×10^{12} of A/(m rad)^2 and (3) a very low energy spread of <0.5 eV. Los Alamos National Laboratory advises that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 96–751 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of a New Export Visa Arrangement for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Poland

January 16, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing export visa requirements.

EFFECTIVE DATE: January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and Poland agreed to establish a new Export Visa Arrangement for certain cotton, wool and man-made fiber textile products, produced or manufactured in Poland and exported from Poland on and after January 1, 1996. Goods exported during the period January 1, 1996 through January 31, 1996 shall not be denied entry for lack of a visa. All goods exported after January 31, 1996 must be accompanied by an appropriate export visa.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to prohibit entry of certain textile products, produced or manufactured in Poland and exported from Poland for which the Government of Poland has not issued an appropriate export visa.

A facsimile of export visa stamp is on file at the U.S. Department of Commerce in Room 3100.

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 60 FR 65299, published on December 19, 1995).

Interested persons are advised to take all necessary steps to ensure that textile products that are entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

January 16, 1996.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to a Memorandum of Understanding dated November 21, 1995 between the Governments of the United States and Poland; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 22, 1996, entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 335, 338/339, 410, 433, 434, 435, 443, 611 and 645/646, produced or manufactured in Poland and exported from Poland on and after January 1, 1996 for which the Government of Poland has not issued an appropriate export visa fully described below. Should merged categories or part categories become subject to import quota the merged or part category(s) automatically shall be included in the coverage of this arrangement. Merchandise in the merged or part category(s) exported on or after the date the merged or part category(s) becomes subject to import quotas shall require a visa. Goods exported during the period January 1, 1996 through January 31, 1996 shall not be denied entry for lack of an export visa.

A visa must accompany each commercial shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original commercial invoice or successor document. The original visa shall not be stamped on duplicate copies of the invoice. The original invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO) (the code for Poland is ''PL''), and a six digit numerical serial number identifying the shipment; e.g., 6PL123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The original signature of the issuing official and the printed name of the issuing official of the Government of Poland.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity of the shipment as set forth in the U.S. Department of Commerce Correlation and in the Harmonized Tariff Schedule of the United States, annotated or successor documents shall be reported in the spaces provided within the visa stamp (e.g., ''Cat. 340–510 DOZ'').

Quantities must be stated in whole numbers. Decimals or fractions will not be accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., Categories 338/339 may be visaed as 338/339 or if the shipment consists solely of 338 merchandise, the shipment may be visaed as ''Cat. 338,'' but not as ''Cat. 339''). If, however, a merged quota category such as 338/339 has a quota sublimit on Category 338, then there must be a ''Category 338'' visa for the shipment if it includes Category 338 merchandise.

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, printed name of the signer, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

The complete name and address of a company actually involved in the manufacturing process of the textile product covered by the visa shall be provided on the textile visa document.

If the visa is not acceptable then a new correct visa or a visa waiver must be presented to the U.S. Customs Service before any portion of the shipment will be released. A visa waiver may be issued by the U.S. Department of Commerce at the request of the Embassy of Poland in Washington, DC, for the Government of Poland. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement.

If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide a certified copy of that visaed invoice for use in obtaining a new correct original visaed invoice, or a visa waiver.

If import quotas are in force, U.S. Customs Service shall charge only the actual quantity in the shipment to the correct category limit. If a shipment from Poland has been allowed entry into the commerce of the United States with either an incorrect visa or no visa, and redelivery is requested but cannot be made, the shipment will be charged to the correct category limit whether or not a replacement visa or waiver is provided.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.$250 or less do not require an export visa for entry and shall not be charged to existing quota levels.

A facsimile of the visa stamp is enclosed.

The actions taken concerning the Government of Poland with respect to imports of textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the Federal Register.

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–746 Filed 1–19–96; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities Under OMB Control

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled has submitted benefit-cost analysis survey questionnaires for sampled nonprofit agencies and Javits-Wagner-O'Day (JWOD) employees to OMB for review and clearance under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Comments must be submitted on or before: March 22, 1996.

ADDRESSES: Written comments should be sent to: Laura Olivin, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503. Requests for information, including copies of the questionnaires and supporting documentation, should be directed to: Beverly L. Milkman, Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, VA 22202–3461, telephone: 703–603–7740.

SUPPLEMENTARY INFORMATION: The enabling regulations for the JWOD Act prescribe that the Committee: ''Conduct a continuing study and evaluation of its activities under the JWOD Act for the purpose of assuring effective and efficient administration of the JWOD Act. The Committee may study, independently, or in cooperation with other public or nonprofit private agencies, problems relating to: (1) The employment of the blind or individuals with other severe disabilities * * *'' (§ 51–2.2(g))

As part of the effort to evaluate its activities and study the employment of individuals who are blind or severely disabled, the Committee has initiated an analysis of benefits and costs of the JWOD Program. The information collection instruments included in the request for OMB approval are required for the portion of the methodology that deals with costs and benefits for JWOD employees. These new information collection instruments will be used one time to collect information from a representative sample of nonprofit agencies and JWOD employees.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–743 Filed 1–19–96; 8:45 am]

BILLING CODE 6820–33–P

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 A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, January 23, 1996.

ADDRESSES: The meeting will be held at Solid State Electronics Division (Code 55), NCCOSC RDT&E Div., Room 266, Building B–111, San Diego, CA.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate

with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Public Law 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: January 16, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–709 Filed 1–19–96; 8:45 am]

BILLING CODE 5000–04–M

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday and Thursday, 24–25 January 1996.

ADDRESSES: The meeting will be held at Solid State Electronics Division (Code 55), NCCOSC RDT&E Div., Room 266, Building B–111, San Diego, CA.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Public Law 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: January 16, 1996.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–707 Filed 1–19–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on C4ISR Integration

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on C4ISR Integration will meet in closed session on January 26, 1996 at Strategic Analysis, Inc., Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will assist the internal DoD process by providing advice to the DoD on all aspects of C4ISR integration.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: January 16, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–708 Filed 1–19–96; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary of Defense

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on February 6, 1996; February 13, 1996; February 20, 1996; and February 27, 1996, at 10:00 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: January 16, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–710 Filed 1–19–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement on the Proposed Disposal and Reuse of Naval Air Station Agana, Guam

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of the proposed disposal of land, buildings, and infrastructure, and their subsequent reuse of the former Naval Air Station (NAS) Agana, Guam. This action is being conducted in accordance with the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) and the specific 1993 base closure and realignment decisions which became effective in September 1993.

NAS Agana, now known as Tinyan, was closed in March 1995. The runway and aviation related facilities are being leased on an interim basis to the Guam Airport Authority (GAA) Facilities not related to civil aviation are being leased to the Government of Guam. The proposed action involves the disposal of approximately 1,823 acres of land and infrastructure.

Alternatives addressed in the EIS will focus on the disposal and reuse of designated property, including the Government of Guam's reuse scenario. The Government of Guam's reuse plan has three principal parts: the A.B. Wondpat International Airport, community reuse area (economic development and parks), and regional circulation improvements (three highways). Other uses that will be considered for the areas not needed for airport support include industrial, governmental, commercial, and residential. The EIS will discuss environmental impacts resulting from the construction and operation of facilities, new airport operations, and airport related uses, as well as expected associated impacts to the local communities resulting from disposal and reuse of NAS Agana. Major environmental issues that will be addressed in the EIS will include, but not be limited to, impacts on cultural resources, terrestrial and aquatic habitats, storm water runoff, noise, air quality, traffic, and community.

The Navy will initiate a scoping process for the purpose of determining the scope of issues to be addressed and for identifying the significant issues related to this action. The Navy will hold two public scoping meetings on Wednesday, January 24, 1996, beginning at 2:00 p.m. and 7:00 p.m. at the Governor's Cabinet Conference Room to the Executive Building in Adelup, Guam. Federal Government closure during the period of January 8–10, 1996, delayed notification in the Federal Register; however, complete, and timely notification has been advertised in local and regional newspapers.

A brief presentation will precede requests for public comment and identification of additional scoping items. Navy representatives will be available at this meeting to receive comments from the public regarding issues of concern. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during preparation of the EIS. In the interest of available time, each speaker will be asked to limit oral comments to three minutes.

ADDRESSES: Agencies and the public are also invited and encouraged to provide written comments in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentator believes the EIS should address. Written statements and or questions regarding the scoping process should be mailed to: Commanding Officer, Pacific Division, Naval Facility Engineering Command, Pearl Harbor, HI 96860–7300, (Attn.: Mr. John Bigay, 239), telephone (808) 471–7130. All comments must be received no later than February 16, 1996.

Dated: January 16, 1996.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 96–631 Filed 1–19–96; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.116N]

Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Institutional Cooperation and Student Mobility in Postsecondary Education Between the United States, Canada and Mexico); Notice Inviting Application for New Awards for Fiscal Year (FY) 1996

PURPOSE OF PROGRAM: To provide grants to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

SUPPLEMENTARY INFORMATION: This program is a Special Focus Competition pursuant to 34 CFR 630.11(b)(1) to support projects addressing a particular problem area or improvement approach in postsecondary education. The competition also includes an invitational priority to encourage proposals designed to support the formation of educational consortia of American, Canadian and Mexican institutions to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities throughout North America.

The invitational priority is issued in cooperation with Canada and Mexico. Canadian and Mexican institutions participating in any consortium proposal responding to the invitational priority may apply, respectively, to Human Resources Development of Canada and the Mexican Bureau of University Development for additional funding under separate Canadian and Mexican competitions.

Eligible Applicants: Institutions of higher education or combinations of such institutions and other public and private nonprofit educational institutions and agencies.

Deadline for Transmittal of Applications: March 15, 1996.

Deadline for Intergovernmental Review: May 14, 1996.

Applications Available: January 19, 1996.

Available Funds: $1,150,000.

Estimated Range of Awards: $100,000–$150,000 for three years.

Estimated Average Size of Awards: $102,000 for three years.

Estimated Number of Awards: 11.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 [except as noted in 34 CFR 630.4(a)(2)], 77, 79, 80, 82, 85, and 86; and (b) the regulations for this program in 34 CFR Part 630.

Priorities

Invitational Priorities

Under 34 CFR 75.105(c)(1) and 34 CFR 630.11(b)(1), the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Invitational Priority: Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility between the United States, Mexico and Canada.

Selection Criteria

In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 630.32:

(a) *Significance for Postsecondary Education.* The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the program competition by addressing a particular problem area or improvement approach in postsecondary education;

(2) Address an important problem or need;

(3) Represent an improvement upon, or important departure from, existing practice;

(4) Involve learner-centered improvements;

(5) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and

(6) Increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The proposed project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the proposed project, as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives, approaches, and evaluation plan;

(iii) The adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(v) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the proposed project, as evidenced by, for example—

(i) Contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the proposed project beyond the period of funding (unless the project would be self-terminating); and

(4) The proposed project demonstrates potential for dissemination to or adaptation by other organizations, and shows evidence of interest by potential users.

(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Secretary is appropriate in terms of availability of other funding sources for the proposed activities.

In accordance with 34 CFR 630.32 the Secretary announces the methods that will be used in applying the selection criteria.

The Secretary gives equal weight to the selection criteria on significance, feasibility, and appropriateness. Within each of these criteria, the Secretary gives equal weight to each of the subcriteria listed above. In applying the criteria, the Secretary first analyzes an application in terms of each individual criterion and subcriterion. The Secretary then bases the final judgement of an application on an overall assessment of the degree to which the applicant addresses all selection criteria.

FOR APPLICATIONS OR INFORMATION CONTACT: Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 600 Independence Avenue, SW., Room 3100, ROB–3, Washington, DC 20202–5175. Telephone: (202) 708–5750 between the hours of 8 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday, to order applications or for information. Individuals may request applications by submitting the name of the competition, their name, and postal mailing address to the e-mail address FIPSE@ED.GOV. Individuals may obtain the application text from Internet address http://www.ed.gov/prog-info/FIPSE/. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between—8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the Federal Register.

Program Authority: 20 U.S.C. 1135–1135a–3.

Dated: January 17, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 96–823 Filed 1–19–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–126–000]

Columbia Gas Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Line 1740 Replacement 1996 Project and Request for Comments on Environmental Issues

January 16, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Line 1740 Replacement 1996 Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Columbia Gas Transmission Corporation (Columbia) wants to construct and operate about 11.7 miles of 20-inch-diameter pipeline and appurtenant facilities to replace an equivalent length of 16-inch-diameter pipeline on Line 1740 in Gilmer County, West Virginia.

The specific location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 173 acres of land, including 102 acres of temporary right-of-way and extra work areas. Following construction, all of the land would be restored and allowed to revert to its former use. No new permanent right-of-way is required for the project.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is the focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands

[1] Columbia Gas Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street NE., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

- Vegetation and wildlife
- Hazardous waste
- Land use
- Cultural resources
- Endangered and threatened species
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Columbia. Keep in mind that this is a preliminary list:

- Two residences and one business are located within 50 feet of the construction right-of-way.
- The pipeline would be near historic structures and archaeological sites.

The list of issues may be added to, subtracted from, or changed based on your comments and our analysis.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426;
- Reference Docket No. CP96–126–000;
- Send a *copy* of your letter to: Mrs. Medha Kochhar, EA Project Manager, Federal Energy Regulatory Commission, 888 First Street NE., PR–11.2, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before February 20, 1996.

If you wish to receive a copy of the EA, you should request one from Mrs. Kochhar at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mrs. Medha Kochhar, EA Project Manager, at (202) 208–2270.

Lois D. Cashell,

Secretary.

[FR Doc. 96–657 Filed 1–19–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–97–000]

Eastern Shore Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Hockessin Expansion Project and Request for Comments on Environmental Issues

January 16, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Hockessin Expansion Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Eastern Shore Natural Gas Company (ESNG) seeks 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.

ESNG indicates that the proposed project (1) would stabilize system capacity and integrity of declining inlet gas pressure at the Hockessin meter and regulating station, and (2) enable ESNG to provide 4,796 Mcf of additional firm daily capacity on ESNG's system.

ESNG seeks authority to:

- construct and operate a 2,170-horsepower (hp) Delaware City Compressor Station (C.S.), with a 1,085-hp back-up unit, in New Castle County, Delaware;
- construct and operate 0.89 mile of 16-inch-diameter pipeline in New Castle County, Delaware to tie the suction side of the proposed Delaware C.S. into the Hockessin Line;
- uprate the maximum allowable operating pressure from 500 pounds per square inch gauge (psig) to 590 psig on 28.7 miles of the Salisbury Lateral from the outlet of ESNG's existing Bridgeville C.S. in Sussex County, Delaware to the Citizens Meter and Regulatory Station in Salisbury, Wicomico County, Maryland; and
- abandon 100 Mcfd of firm sales service to Playtex Apparel, Inc., a direct sales customer.

The general location of the project facilities and specific locations for facilities on new sites are shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 4.8 acres of land for the proposed pipeline and about 2.7 acres for the new compressor station. About 0.9 acre would be fenced around the compressor station facilities.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the

[1] Eastern Shore Natural Gas Company's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Delaware's Public Reference and Files Maintenance Branch, 888 First Street NE., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the Important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Land use.
- Water resources, fisheries, and wetlands.
- Air quality and noise.
- Cultural resources.
- Public safety.
- Endangered and threatened species.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified one issue that we think deserves attention based on a preliminary review of the proposed facilities and the environmental information provided by Transwestern:

The proposed compressor station may increase ambient noise levels.

Keep in mind that this is a preliminary issue. Issues may be added, subtracted, or changed based on your comments and our analysis.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be.

Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426;
- Reference Docket No. CP96–97–000;
- Send a *copy* of your letter to: Mr. Herman K. Der, EA Project Manager, Federal Energy Regulatory Commission, 888 First Street NE., PR–11.1, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before February 20, 1996.

If you wish to receive a copy of the EA, you should request one from Mr. Herman K. Der at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Herman K. Der, EA Project Manager, at (202) 208–0896.

Lois D. Cashell,

Secretary.

[FR Doc. 96–656 Filed 1–19–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11530–000–IA]

Mitchell County, Iowa; Notice Not Ready for Environmental Analysis, Notice Requesting Interventions and Protests, and Notice of Scoping Pursuant to the National Environmental Policy Act of 1969

January 16, 1996.

On November 21, 1995, the Federal Energy Regulatory Commission (Commission) issued a letter accepting Mitchell County, Iowa's application for the Mitchell Mill Dam Hydroelectric Project, located on the Cedar River in Mitchell County, Iowa.

The Mitchell Mill Dam's principal project features would consist of an existing 195-foot-wide concrete dam, an existing natural impoundment with a surface area of 120 acres and no usable storage, a powerhouse containing two new generating units with a total rated capacity of 900 Kw. The project would have an average annual generation of 2,829,335 Kwh. The project site is owned by Mitchell County, Iowa.

The application is not ready for environmental analysis at this time. A public notice will be issued in the future indicating its readiness for environmental analysis and soliciting comments, recommendations, terms and conditions, or prescriptions on the application and the applicant's reply comments.

The purpose of this notice is to: (1) Invite interventions and protests; (2) advise all parties as to the proposed scope of the staff's environmental analysis, including cumulative effects, and to seek additional information pertinent to this analysis; and (3) advise all parties of their opportunity for comment.

Interventions and Protests

All filings must: (1) bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' or ''COMPETING APPLICATION''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, and address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

An additional copy must be sent to: Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

All filings for any protest or motion to intervene must be received 60 days from the issuance date of this notice.

Scoping Process

The Commission's scoping objectives are to:

- Identify significant environmental issues;
- Determine the depth of analysis appropriate to each issue;
- Identify the resource issues not requiring detailed analysis; and
- Identify reasonable project alternatives.

The purpose of the scoping process is to identify significant issues related to the proposed action and to determine what issues should be covered in the environmental document pursuant to the National Environmental Policy Act of 1969. The document entitled ''Scoping Document I'' (SDI) will be circulated shortly to enable appropriate federal, state, and local resource agencies, developers, Indian tribes, non-governmental organizations (NGOs), and other interested parties to effectively participate in and contribute to the scoping process. SDI provides a brief description of the proposed action, project alternative, the geographic and temporal scope of a cumulative effects analysis, and a list of preliminary issues identified by staff.

The Commission will decide, based on the application, and agency and public comments to scoping, whether licensing the Mitchell Mill Dam Hydroelectric Project constitutes a major federal action significantly impacting the quality of the human environment. The Commission staff will not hold scoping meetings unless the Commission decides to prepare an environmental impact statement, or the response to SCI warrants holding such meetings.

Individuals, organizations, and agencies with environmental expertise and concerns are encourage to comment on SDI and assist the staff in defining and clarifying the issues to be addressed.

All filings should contain an original and 8 copies. Failure to file an original and 8 copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. See 18 CFR 4.34(h). In addition, commentors *may* submit a copy of their comments on a 3½-inch diskette formatted for MS–DOS based computers. In light of our ability to translate MS–DOS based materials, the text need only be submitted in the format and version that it was generated (i.e., MS Word, WordPerfect 5.1/5.2, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format then write them to files on a diskette formatted for MS–DOS machines. All comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, and should show the following captions on the first page: Mitchell Mill Dam Hydroelectric Project, FERC No. 11530–000.

Further, interested persons are reminded of the Commission's Rules of Practice and Procedures, requiring parties or interceders (as defined in 18 CFR 385.2010) to file documents on each person whose name is on the official service list for this proceeding. See 18 CFR 4.34(b).

The Commission staff will consider all written comments and may issue a Scoping Document II (SDII). SDII will include a revised list of issues, based on the scoping process.

For further information regarding the scoping process, please contact Ms. Julie Bernt, Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street NE., Washington, DC 20426 at (202) 219–2814.

Lois D. Cashell,

Secretary.

[FR Doc. 96–658 Filed 1–19–96; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Submitted to OMB for Review and Approval, Comments Requested

January 11, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before February 21, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0134.

Title: Application for Renewal of Private Radio Station License.

Form No.: 574R.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit; small businesses or organizations; individuals or households; state or local governments; not-for-profit institutions.

Number of Responses: 84,000.

Estimated Time Per Response: .33 hours.

Total Annual Burden: 27,720 hours.

Needs and Uses: FCC rules require that radio station licensees renew their radio station authorization every five years. Data is used to update the existing database and make efficient use of the frequency spectrum. Data is also used by compliance personnel in conjunction with field engineers for enforcement and interference resolutions. The data collected is required by the Communications Act of 1934, as amended; International Treaties and FCC Rules 47 CFR Parts 1.922, 90.119, 90.135, 90.157, 95.89, 95.103 and 95.107. The Commission is revising the form to include a cerficiation block for the National Environmental Protection Act (NEPA).

OMB Approval Number: New Collection.

Title: Market Entry and Regulation of Foreign-affiliated Carriers.

Form No.: N/A.

Type of Review: New Collection.

Respondents: Businesses or other for-profit.

Number of Responses: 431.

Estimated Time Per Response: 8 hours.

Total Annual Burden: 4,127 hours.

Needs and Uses: This collection of information is contained in amendements to Part 63 and in the Report and Order adopting such amendemtns. This collection is necessary to determine whether, and under what conditions the public interest, convenience and necessity will be served by authorizing particular foreign carriers, or their U.S. affiliates, to provide international common carrier service between the Undited States and countries where these foreign carriers have market power. Second, the information collections in these amendments are necessary for the Commission to maintain effective oversight of U.S. carriers that are affiliated with, or involved in certain co-marketing or similar arrangements with foreign carriers and that have market power. The Order adopts a requirement that Section 214 applicants amend their pending applications to the extent they are inconsistent with the new rules. Applications pending as of the effective date of the new rules must be amended within thirty days of the effective date of the new rules. The information will be used by Commission staff in carrying out its duties under the Communications Act.

OMB Approval No.: 3060–0395.

Title: Automated Reporting and Management Information System (ARMIS)—Sections 43.21 and 43.22.

Form No.: FCC Reports 43–05, 43–07.

Type of Review: Revision and Extension.

Respondents: Businesses or other for Profit.

Number of Respondents: 102.

Estimated Time per Response: 941 (avg.).

Total Annual Burden: 151,868.

Needs and Uses: The Commission requires that all price cap LECs and small and mid-sized LECs electing incenstive regulation file Service Quality Reports. The Commission also requires that certain carriers file Infrastructure Reports. The purpose of these requirements is to enable the Commission to monitor service quality and infrastructure development in carriers under price cap or other incenstive regulation.

OMB Approval Number: 3060–0544.

Title: 47 CFR 76.701 Leased access channels.

Type of Review: Extension of approval.

Respondents: Businesses or other for-profit, individuals or households.

Number of Respondents: 550.

Total Annual Burden: 4,854 hours.

Needs and Uses: Section 10(a) of the Cable Television Consumer Protection and Competition Act of 1992, Pub.L. No. 102–385, permits cable operators to enforce voluntarily a written and published policy of prohibiting indecent programming on commercial leased access channels on their cable systems. Section 10(b) of the Act requires the Commission to adopt regulations that are designed to restrict access of children to indecent programming on leased access channels (that is not voluntarily prohibited under section 10(a) by requiring cable operators to place indecent leased access programming, as identified by program providers, on a ''blocked'' leased access channel. The various information collection, disclosure and recordkeeping requirements set forth in 47 CFR 76.701 protect cable operators against involuntarily transmitting indecent programming on leased access channels; and unknowingly transmitting indecent programming on leased access channels to children or adult subscribers without adult subscribers' consent.

OMB Approval Number: 3060–0323.

Title: Section 97.527 Reimbursement for expenses.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Individuals, non-profit institutions.

Number of Respondents: 3,500.

Estimated Time Per Response: 12.167 hours.

Total Annual Burden: 42,585 hours.

Needs and Uses: Section 97.527 is needed to assure that Amateur Radio Service volunteer examiner coordinators and volunteer examiners do not collect reimbursement for other than necessary and prudent expenses. The coordinators or persons administering the examinations must keep records of their expenditures and certify annually to the FCC that all expenses for which they were reimbursed were necessarily and prudently incurred. If the information were not collected, it is conceivable that fraud and abuse could occur in the amateur volunteer examination program.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–738 Filed 1–19–96; 8:45 am]

BILLING CODE 6712–01–F

Notice of Public Information Collections Submitted to OMB for Review and Approval, Comments Requested

December 14, 1995.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before February 21, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0298.

Title: Tariffs (other than review plan) - Part 61.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Businesses or other for-profit.

Number of Responses: 4,797.

Estimated Time Per Response: 203 hours.

Total Annual Burden: 972,423 hours.

Needs and Uses: The Communications Act requires that common carriers establish just and reasonable charges, practices, and

regulations for the service they provide. The local exchange carriers (LEC) schedules containing these charges, practices, and regulations must be filed with the Commission. Part 61 established the procedures for filing tariffs which contain the charges, practices, and regulations of common carriers. Implementation of a separate basket for LEC provided video dialtone service requires changes in the existing pricing rules to address requirement for this additional price cap basket. Video dialtone service differs sufficiently from basic telephony services in the other price cap baskets to warrant the creation of its own basket. Tariff filings to implement the separate video dialtone basket generally will be accompanied by the support required under the exiting price cap rules. This information is necessary to ensure that rates for service subject to the separate basket are just, reasonable and nondiscriminatory and comply with the Commission rules.

OMB Approval Number: New Collection.

Title: Abbreviated Cost of Service for Filing For Cable Network Upgrades.

Form No.: FCC 1235.

Type of Review: New Collection.

Respondents: Businesses or other for-profit; State, Local, or Tribal Governments.

Number of Responses: 2,100 cable operators, and 525 local franchising authorities.

Estimated Time Per Response: 20 hours per cable operator response; and 10 hours per local franchising authority.

Total Annual Burden: 47,250 hours.

Needs and Uses: Section 76.922(h) enables cable operators in some circumstance to increase rates when undertaking significant network upgrades. This proposed form allows cable operators to justify rate increases related to capital expenditures used to improve services to regulated cable subscribers. Operators wishing to establish a network upgrade rate increase should file this form following the end of the month in which upgraded cable service becomes available and are providing benefits to the customers. In addition this form can be filed for pre-approval any time prior to the upgraded services becoming available to the subscribers using projected upgrade costs. If the pre-approval option is exercised the operator must file the form again following the end of the month in which upgraded cable services become available and are providing benefits to the customers.

Fax Document Retrieval Number: 601235.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–739 Filed 1–19–96; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended: Sun Line Cruises, Inc., Royal Olympic Cruises Ltd. and Caroline Shipping Inc., One Rockefeller Plaza, Suite 315, New York, New York 10020

Vessel: STELLA SOLARIS

Dated: January 16, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–629 Filed 1–19–96; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Sun Line Cruises, Inc., Royal Olympic Cruises Ltd. and Caroline Shipping Inc., One Rockefeller Plaza, Suite 315, New York, New York 10020

Vessel: STELLA SOLARIS

Dated: January 16, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–628 Filed 1–19–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

[File No. 961 0017]

Praxair, Inc.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: This Consent Agreement, accepted subject to final Commission approval, settles alleged violations of federal law prohibiting unfair or deceptive acts and practices and unfair methods of competition arising from the acquisition of CBI Industries, Inc. by Praxair, Inc. Under the terms of the proposed order contained in the Consent Agreement, Praxair, among other things, must divest all of the assets and businesses relating to four CBI plants that produce atmospheric gases—located in Vacaville, California; Irwindale, California; Bozrah, Connecticut; and Madison, Wisconsin—to an acquirer or acquirers approved by the Commission. If Praxair fails to divest these assets within 12 months after the order becomes final, a trustee may be appointed to divest the four plants. The Consent Agreement also requires Praxair to take all steps necessary to ensure that the plants to be divested continue as ongoing, viable and competitive operations, by complying with an Agreement to Hold Separate.

DATES: Comments must be received on or before March 22, 1996.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: James H. Holden, Jr., FTC/S–2023, Washington, D.C. 20580 (202) 326–2682; or Christina Perez, FTC/S–2214, Washington, D.C. 20580 (202) 326–2682.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

The Federal Trade Commission (''Commission''), having initiated an investigation of the proposed acquisition by Praxair, Inc. (''Praxair'') of CBI Industries, Inc. (''CBI''), and it now appearing that Praxair, hereinafter sometimes referred to as ''Proposed Respondent,'' is willing to enter into an agreement containing an order to divest assets, and providing for certain other relief:

It is hereby agreed by and between Proposed Respondent Praxair, by its duly authorized officers and attorneys, and counsel for the Commission that:

1. Proposed Respondent Praxair is a corporation organized, existing, and doing business under and by virtue of the laws of the state of Delaware with its principal executive offices located at 39 Old Ridgebury Road, Danbury, Connecticut 06810–5113.

2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed Respondent waives:

a. any further procedural steps;

b. the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. any claims under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the Proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5.This agreement is for settlement purposes only and does not constitute an admission by Proposed Respondent that the law has been violated as alleged in the draft of complaint here attached, or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to Proposed Respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to divest in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Proposed Respondent shall constitute service. Proposed Respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed Respondent has read the proposed complaint and order contemplated hereby. Proposed Respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed Respondent further understands it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final. By signing this Agreement, Proposed Respondent represents that the relief contemplated by this Agreement can be accomplished.

Order

I

It is ordered that, as used in this order, the following definitions shall apply:

A. ''Respondent'' or ''Praxair'' means Praxair, Inc., its directors, officers, employees, agents and representatives, predecessors, successors and assigns; its subsidiaries, divisions, and groups and affiliates controlled by Praxair, Inc., and the respective directors, officers, employees, agents, and representatives, successors, and assigns of each.

B. ''CBI'' means CBI Industries, Inc., its directors, officers, employees, agents and representatives, predecessors, successors and assigns; its subsidiaries, divisions, and groups and affiliates controlled by CBI, and the respective directors, officers, employees, agents, and representatives, successors, and assigns of each.

C. ''Commission'' means the Federal Trade Commission.

D. ''Acquisition'' means Praxair's acquisition of issued and outstanding common shares of CBI, pursuant to a cash tender offer dated November 3, 1995.

E. ''Merchant Atmospheric Gases'' means oxygen, nitrogen and argon sold in liquid form or packaged in cylinders.

F. ''Atmospheric Gases Plant'' means a facility that produces Merchant Atmospheric Gases.

G. ''Merchant Divestiture Assets and Businesses'' means, the Vacaville Plant, Irwindale Plant, Bozrah Plant, and Madison Plant, whether divested individually or in some combination, including the assets, properties, business and goodwill, tangible and intangible, used in the manufacture and sale of merchant atmospheric gases at those plants, including, without limitation, the following:

1. all real property interests, including rights, title and interest in and to owned or leased property, together with all buildings, improvements, appurtenances, licenses and permits;

2. all machinery, fixtures, equipment, vehicles, transportation facilities, furniture, tools and other tangible personal property, including distribution equipment and cylinders;

3. all customer lists, vendor lists, catalogs, sales promotion literature, advertising materials, research materials, technical information, management information systems, software, software licenses, inventions, patents, technology, know-how, specifications, designs, drawings, processes and quality control data;

4. rights to and in contracts, including customer, dealer, distributor, supply and utility contracts;

5. inventory, supplies and storage capacity, including storage vessels;

6. all rights under warranties and guarantees, express or implied;

7. all books, records, and files; and

8. all items of prepaid expense.

H. ''Vacaville Plant'' means CBI's Atmospheric Gases Plant located in Vacaville, California, together with all associated Merchant Divestiture Assets and Businesses.

I. ''Irwindale Plant'' means CBI's Atmospheric Gases Plant located in Irwindale, California, together with all associated Merchant Divestiture Assets and Businesses.

J. ''Bozrah Plant'' means CBI's Atmospheric Gases Plant located in Bozrah, Connecticut, together with all associated Merchant Divestiture Assets and Businesses.

K. ''Madison Plant'' means CBI's Atmospheric Gases Plant located in Madison, Wisconsin, together with all associated Merchant Divestiture Assets and Businesses.

II

It is further ordered, That:

A. Praxair shall divest, absolutely and in good faith, within twelve (12) months of the date this order becomes final, the Merchant Divestiture Assets and Businesses, and shall also divest such additional ancillary CBI assets and effect such arrangements as are necessary to assure the marketability, viability and competitiveness of the Merchant Divestiture Assets and Businesses.

B. Praxair shall divest the Merchant Divestiture Assets and Businesses, either individually or in some combination, only to an acquirer or acquirers that receive the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. The purpose of the divestiture is to ensure the continuation of the Merchant Divestiture Assets and Businesses as an ongoing, viable operation or operations, engaged in the same business in which the Merchant Divestiture Assets and Businesses are engaged at the time of the proposed divestiture, and to remedy the lessening of competition resulting from the proposed acquisition as alleged in the Commission's complaint.

C. Pending divestiture of the Merchant Divestiture Assets and Businesses, Praxair shall take such actions as are necessary to maintain the viability, marketability, and competitiveness of the Merchant Divestiture Assets and Businesses, and to prevent the destruction, removal, wasting, deterioration or impairment of the Merchant Divestiture Assets and Businesses except for ordinary wear and tear.

D. Praxair shall comply with all terms of the Agreement to Hold Separate attached to this order and made a part hereof as Appendix I. The Agreement to Hold Separate shall continue in effect until such time as respondent has divested all of the Merchant Divestiture Assets and Businesses as required by this order.

III

It is further ordered, That:

A. If Praxair has not divested, absolutely and in good faith, and with the prior approval of the Commission, the Merchant Divestiture Assets and Businesses within twelve (12) months of the date this order becomes final, the Commission may appoint a trustee to divest the Merchant Divestiture Assets and Businesses. In the event that the Commission or the Attorney General brings an action pursuant to § 5(*l*) of the Federal Trade Commission Act, 15 U.S.C. § 45(*l*), or any other statute enforced by the Commission, Praxair shall consent to the appointment of a trustee in such action. Neither the appointment of a trustee nor a decision not to appoint a trustee under this Paragraph III shall preclude the Commission or the Attorney General from seeking civil penalties or any other relief available to it, including a court-appointed trustee, pursuant to § 5(*l*) of the Federal Trade Commission Act, or any other statute enforced by the Commission, for any failure by Praxair to comply with this order.

B. If a trustee is appointed by the Commission or a court pursuant to Paragraph III.A., Praxair shall consent to the following terms and conditions regarding the trustee's powers, duties, authority, and responsibilities:

1. The Commission shall select the trustee, subject to the consent of Praxair, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures. If Praxair has not opposed, in writing, including the reasons for opposing, the selection of any proposed trustee within ten (10) days after notice by the staff of the Commission to Praxair of the identity of any proposed trustee, Praxair shall be deemed to have consented to the selection of the proposed trustee.

2. Subject to the prior approval of the Commission, the trustee shall have the exclusive power and authority to divest the Merchant Divestiture Assets and Businesses.

3. Within ten (10) days after appointment of the trustee, Praxair shall execute a trust agreement that, subject to the prior approval of the Commission and, in the case of a court-appointed trustee, of the court, transfers to the trustee all rights and powers necessary to permit the trustee to effect the divestiture(s) required by this order.

4. The trustee shall have twelve (12) months from the date the Commission approves the trust agreement described in Paragraph III.B.3. to accomplish the divestiture(s), which shall be subject to the prior approval of the Commission. If, however, at the end of the twelve month period, the trustee has submitted a plan of divestiture or believes that divestiture can be achieved within a reasonable time, the divestiture period may be extended by the Commission, or, in the case of a court-appointed trustee, by the court; provided, however, the Commission may extend this period only two (2) times.

5. The trustee shall have full and complete access to the personnel, books, records and facilities related to the Merchant Divestiture Assets and Businesses, or to any other relevant information, as the trustee may request. Praxair shall develop such financial or other information as the trustee may request and shall cooperate with the trustee. Praxair shall take no action to interfere with or impede the trustee's accomplishment of the divestiture(s). Any delays in divestiture caused by Praxair shall extend the time for divestiture under this Paragraph in an amount equal to the delay, as determined by the Commission or, for a court-appointed trustee, by the court.

6. The trustee shall use his or her best efforts to negotiate the most favorable price and terms available in each contract that is submitted to the Commission, subject to Praxair's absolute and unconditional obligation to divest at no minimum price. The divestiture(s) shall be made in the manner and to the acquirer or acquirers as set out in Paragraph II of this order, provided, however, if the trustee receives bona fide offers for any of the plants to be divested from more than one acquiring entity, and if the Commission determines to approve more than one such acquiring entity, the trustee shall divest that particular plant to the acquiring entity or entities selected by Praxair from among those approved by the Commission.

7. The trustee shall serve at the cost and expense of Praxair, without bond or other security unless paid for by Praxair, on such reasonable and customary terms and conditions as the Commission or a court may set. The trustee shall have the authority to employ, at the cost and expense of Praxair, such consultants, accountants, attorneys, investment bankers, business brokers, appraisers, and other representatives and assistants as are necessary to carry out the trustee's duties and responsibilities. The trustee shall account for all monies derived from the divestiture and all expenses incurred. After approval by the Commission and, in the case of a court-appointed trustee, by the court, of the account of the trustee, including fees for his or her services, all remaining monies shall be paid at the direction of Praxair, and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrangement contingent on the trustee's divesting the Merchant Divestiture Assets and Businesses.

8. Praxair shall indemnify the trustee and hold the trustee harmless against any losses, claims, damages, liabilities, or expenses arising out of, or in connection with, the performance of the trustee's duties, including all reasonable fees of counsel and other expenses incurred in connection with the preparation for, or defense of any claim, whether or not resulting in any liability, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the trustee.

9. If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed in the same manner as provided in Paragraph III.A. of this order.

10. The Commission or, in the case of a court-appointed trustee, the court, may on its own initiative or at the request of the trustee issue such additional orders or directions as may be necessary or appropriate to accomplish the divestiture required by this order.

11. The trustee shall have no obligation or authority to operate or maintain the Merchant Divestiture Assets and Businesses.

12. In the event that the trustee determines that he or she is unable to divest the Merchant Divestiture Assets and Businesses in a manner consistent with the Commission's purpose as described in Paragraph II, the trustee may divest additional ancillary CBI assets of Praxair and effect such arrangements as are necessary to satisfy the requirements of this order.

13. The trustee shall report in writing to Praxair and the Commission every sixty (60) days concerning the trustee's efforts to accomplish divestiture.

IV

It is further ordered that within sixty (60) days after the date this order becomes final and every sixty (60) days thereafter until Praxair has fully complied with Paragraphs II and III of this order, Praxair shall submit to the Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with Paragraphs II and III of this order. Praxair shall include in its compliance reports, among other things that are required from time to time, a full description of the efforts being made to comply with Paragraphs II and III including a description of all substantive contacts or negotiations for the divestiture(s) required by this order, including the identity of all parties contacted. Praxair shall include in its compliance reports copies of all written communications to and from such parties, all internal memoranda, and all reports and recommendations concerning the divestiture(s).

V

It is further ordered that, for the purpose of determining or securing compliance with this order, Praxair shall permit any duly authorized representatives of the Commission:

A. Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Praxair, relating to any matters contained in this order; and

B. Upon five (5) days' notice to Praxair, and without restraint or interference from Praxair, to interview officers, directors, or employees of Praxair, who may have counsel present, regarding any such matters.

VI

It is further ordered that until Praxair has completed all of its obligations under this order, Praxair shall notify the Commission at least thirty (30) days prior to any proposed change in the Respondent such as dissolution, assignment, sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or any other change in the corporation that may affect compliance obligations arising out of the order.

VII

It is further ordered that Respondent shall not be obligated to comply with this Order if Praxair abandons the proposed acquisition of CBI. For purposes of this Order, Praxair will be deemed to have abandoned the proposed acquisition of CBI after it provides written notice to the Commission that it has abandoned its proposed acquisition and has withdrawn any related notifications filed pursuant to Section 7A of the Clayton Act, as amended, 15 U.S.C. 18a.

Appendix I

Agreement to Hold Separate

This Agreement to Hold Separate (''Hold Separate'') is by and between Praxair, Inc. (''Praxair''), a corporation organized, existing, and doing business under and by virtue of the laws of the state of Delaware, and the Federal Trade Commission (''Commission''), an independent agency of the United States Government, established under the Federal Trade Commission Act of 1914, 15 U.S.C. 41, et seq. (collectively, the ''Parties'').

Premises

Whereas, on November 3, 1995, Praxair offered to purchase all of the outstanding common shares of CBI Industries, Inc. (''CBI''); and

Whereas, CBI, with its principal office and place of business located at 800 Jorie Boulevard, Oak Brook, Illinois 60521–2268, manufactures and markets, among other things, Merchant Atmospheric Gases; and

Whereas, Praxair, with its principal office and place of business located at 39 Old Ridgebury Road, Danbury, Connecticut 06810–5113, manufactures and markets, among other things, Merchant Atmospheric Gases; and

Whereas, the Commission is now investigating the Acquisition to determine whether it would violate any of the statutes enforced by the Commission; and

Whereas, if the Commission accepts the Agreement Containing Consent Order (''Consent Agreement''), the Commission must place it on the public record for a period of at least sixty (60) days and may subsequently withdraw such acceptance pursuant to the provisions of Section 2.34 of the Commission's Rules; and

Whereas, the Commission is concerned that if an understanding is not reached, preserving the status quo ante of the Merchant Divestiture Assets and Businesses, as defined in Paragraph I.G. of the Consent Agreement, during the period prior to the final acceptance and issuance of the Consent Agreement by the Commission (after the 60-day public comment period), divestiture resulting from any proceeding challenging the legality of the Acquisition might not be possible, or might be less than an effective remedy; and

Whereas, the Commission is concerned that if the Acquisition is consummated, it will be necessary to preserve the Commission's ability to require the divestiture of the Merchant Divestiture Assets and Businesses and the Commission's right to have the Merchant Divestiture Assets and Businesses continue as viable competitors; and

Whereas, the purposes of this Hold Separate and the Consent Agreement are:

A. to preserve the Merchant Divestiture Assets and Businesses as viable, competitive, and independent businesses pending divestiture of the Merchant Divestiture Assets and Businesses, and

B. to remedy any anticompetitive effects of the Acquisition; and

Whereas, Praxair's entering into this Hold Separate shall in no way be construed as an admission by Praxair that the Acquisition is illegal; and

Whereas, Praxair understands that no act or transaction contemplated by this Hold Separate shall be deemed immune or exempt from the provisions of the antitrust laws or the Federal Trade Commission Act by reason of anything contained in this Hold Separate.

Now, therefore, the Parties agree, upon the understanding that the Commission has not yet determined whether the Acquisition will be challenged, and in consideration of the Commission's agreement that, at the time it accepts the Consent Agreement for public comment, it will grant early termination of the Hart-Scott-Rodino waiting period, as follows:

1. Praxair agrees to execute and be bound by the Consent Agreement.

2. Praxair agrees that from the date this Hold Separate is accepted until the earliest of the times listed in subparagraphs 2.a.–2.b., it will comply with the provisions of Paragraph 3. of this Hold Separate:

a. three (3) business days after the Commission withdraws its acceptance of the Consent Agreement pursuant to the provisions of Section 2.34 of the Commission's Rules; or

b. the time that divestiture of the Merchant Divestiture Assets and Businesses as required by Paragraph II of the Consent Agreement is completed.

3. To assure the complete independence and viability of the Merchant Divestiture Assets and Businesses, and to assure that no material confidential information is exchanged between Praxair and the Merchant Divestiture Assets and Businesses, Praxair shall hold the Merchant Divestiture Assets and Businesses separate and apart on the following terms and conditions:

a. Within 30 days from the date this Hold Separate becomes final Praxair shall cause all of its rights, title and interest in the Merchant Divestiture Assets and Businesses, as defined in Paragraph I.G. of the Consent Agreement, as well as all such necessary personnel, including but not limited to, payroll and marketing personnel, to be transferred to a separate corporation (''Nucorp''), and effect any other arrangements as are necessary to ensure that Nucorp has complete viability and independence from Praxair (meaning here and hereinafter, Praxair excluding the Merchant Divestiture Assets and Businesses, personnel connected with the Merchant Divestiture Assets and Businesses, and Nucorp as of the date this Agreement is signed, but including all other portions of CBI).

b. Nucorp shall be held separate and apart and shall be managed and operated independently of Praxair, except to the extent that Praxair must exercise direction and control over Nucorp to assure compliance with this Hold Separate or the Consent Agreement.

c. Praxair shall maintain the marketability, viability, and competitiveness of Nucorp, including the Merchant Divestiture Assets and Businesses, and shall not cause or permit the destruction, removal, wasting, deterioration, or impairment of any assets or business it may have to divest except in the ordinary course of business and except for ordinary wear and tear, and it shall not sell, transfer, encumber (other than in the normal course of business), or otherwise impair the marketability, viability or competitiveness of Nucorp including the Merchant Divestiture Assets and Businesses.

d. Praxair shall appoint a knowledgeable person among the top management of CBI's Merchant Atmospheric Gases Business to manage and maintain Nucorp on a day to day basis during the term of the Hold Separate. The manager shall have exclusive management and control of Nucorp, and shall manage Nucorp independently of Praxair's other businesses.

e. The Manager shall report exclusively to the Nucorp Management Committee (''Management Committee''). The Management Committee shall consist of the Manager; two other knowledgeable persons from among the top management of CBI's Merchant Atmospheric Gases Business; and two Praxair financial officers or comparable, knowledgeable persons from Praxair's financial office who have no direct involvement with Praxair's Merchant Atmospheric Gases Business (''Praxair Management Committee Members''). The Chairman of the Management Committee shall be the Manager. Except for the Praxair Management Committee Members serving on the Management Committee, Praxair shall not permit any officer, employee, or agent of Praxair also to be an officer, employee or agent of Nucorp. Each Management Committee member shall enter into a confidentiality agreement agreeing to be bound by the terms and conditions set forth in Attachment A, appended to this Hold Separate. The Management Committee shall meet monthly during the course of the Hold Separate, and as otherwise necessary. Meetings of the Management Committee during the term of the Hold Separate shall be audio recorded, and the recording shall be retained for two (2) years after the termination of the Hold Separate.

f. All material transactions, out of the ordinary course of business and not precluded by Paragraph 3 hereof, shall be subject to a majority vote of the Management Committee.

g. Praxair shall not exercise direction or control over, or influence directly or indirectly, Nucorp, including the Merchant Divestiture Assets and Businesses, the Management Committee, or the Manager of Nucorp, any of their operations, assets, or businesses; provided, however, that Praxair may exercise only such direction and control over Nucorp as is necessary to assure compliance with this Hold Separate, the Consent Order and with all applicable laws and except as otherwise provided in this Hold Separate.

h. Except as required by law, and except to the extent that necessary information is exchanged in the course of evaluating and consummating the Acquisition, defending investigations or litigation, obtaining legal advice, complying with this Hold Separate or the Consent Order or negotiating agreements to divest assets, Praxair shall not receive or have access to, or the use of, any material confidential information of Nucorp or the activities of the Manager or Management Committee not in the public domain, nor shall Nucorp, the Manager, or the Management Committee receive or have access to, or the use of, any material confidential information about Praxair. Praxair may receive on a regular basis from Nucorp aggregate financial information necessary and essential to allow Praxair to file financial reports, tax returns, and personnel reports. Any such information that is obtained pursuant to this subparagraph shall be used only for the purposes set forth in this subparagraph. (''Material confidential information,'' as used herein, means competitively sensitive or proprietary information, including, but not limited to, customer lists, price lists, marketing methods, patents, technologies, processes, or other trade secrets, not independently known to:

1. Praxair, with regard to Nucorp, including the Merchant Divestiture Assets and Businesses, from sources other than Nucorp or its employees or the Management Committee; or

2. The Management Committee or Nucorp or its employees, with regard to Praxair, from sources other than Praxair.)

i. Except as is permitted by this Hold Separate, the Praxair Management Committee Members shall not receive any Nucorp material confidential information and shall not disclose any such information obtained through their involvement with Nucorp to Praxair or use it to obtain any advantage for Praxair. The Praxair Management Committee Members shall participate in matters that come before the Management Committee only for the limited purpose of considering any capital investment of over $250,000, approving any proposed budget and operating plans, authorizing dividends and repayment of loans consistent with the provisions hereof, reviewing material transactions described in subparagraph 3.f, and carrying out Praxair's responsibilities under the Hold Separate and the Consent Agreement. Except as permitted by the Hold Separate, the Praxair Management Committee Members shall not participate in any matter, or attempt to influence the votes of the other directors on the Management Committee with respect to matters that would involve a conflict of interest between Praxair and Nucorp, including the Merchant Divestiture Assets and Businesses.

j. Praxair shall not change the composition of the Management Committee unless a majority of the Management Committee consents. The Chairman of the Management Committee shall have the power to remove members of the Management Committee for cause and to require Praxair to appoint replacement members to the Management Committee in the same manner as provided in Paragraph 3.e. of this Hold Separate. Praxair shall not change the composition of the management of the Merchant Divestiture Assets and Businesses, except that the Management Committee shall have the power to remove management employees for unsatisfactory performance or for cause.

k. If the Chairman of the Management Committee ceases to act or fails to act diligently, a substitute Chairman shall be appointed in the same manner as provided in Paragraphs 3.d. and 3.e.

l. CBI personnel connected with Nucorp or the Merchant Divestiture Assets and Businesses or providing support services to Nucorp or the Merchant Divestiture Assets and Businesses as of the date this Hold Separate is signed shall continue, as employees of Praxair, to provide such services as of the date of this Hold Separate. Such Praxair personnel must retain and maintain all material confidential information relating to Nucorp, including the Merchant Divestiture Assets and Businesses on a confidential basis and, except as is permitted by this Hold Separate, such persons shall be prohibited from providing, discussing, exchanging, circulating, or otherwise furnishing any such information to or with any other person whose employment involves any other Praxair business.

Such Praxair personnel shall also execute a confidentiality agreement prohibiting the disclosure of any material confidential information concerning Nucorp, including the Merchant Divestiture Assets and Businesses, or Praxair information.

m. Nucorp shall be staffed with sufficient employees to maintain the viability and competitiveness of the Merchant Divestiture Assets and Businesses, which employees shall be Nucorp employees and may also be hired from sources other than Praxair. Each management employee of Nucorp shall execute a confidentiality agreement prohibiting the disclosure of any material confidential information concerning Nucorp.

n. Praxair shall circulate to the management employees of Nucorp and appropriately display a notice of this Hold Separate and Consent Order in the form attached hereto as Attachment A.

o. Praxair shall cause Nucorp to expend funds for research and development, quality control, manufacturing and marketing of the products produced at Nucorp at a level not lower than that budgeted for the 1994 fiscal year, and shall increase such spending as deemed reasonably necessary in light of competitive conditions. Within thirty (30) days of the date of this Hold Separate, the Chairman of the Management Committee shall develop a budget and operating plan for the 1996 fiscal year that complies with the provisions of this Paragraph and present it to the Management Committee for approval. If necessary, Praxair shall provide Nucorp with any funds to accomplish the foregoing. Praxair shall provide to Nucorp such support services as provided by CBI prior to the Acquisition.

p. Praxair shall provide Nucorp with sufficient working capital to operate at a level not less than the rate of operation in effect during the twelve (12) months preceding the date of this Hold Separate.

q. The Management Committee shall serve at the cost and expense of Praxair. Praxair shall indemnify the Management Committee against any losses or claims of any kind that might arise out of its involvement under this Hold Separate, except to the extent that such losses or claims result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the Management Committee members.

r. The Management Committee shall have access to and be informed about all companies who inquire about, seek or propose to buy the Merchant Divestiture Assets and Businesses.

s. Notwithstanding the provisions of Paragraph 3.i., companies who undertake a due diligence process in the course of negotiations to purchase Nucorp, or any part thereof, may be accompanied and assisted by either or both of the Praxair Management Committee Members, in addition to appropriate Nucorp employees selected by the Management Committee. The Praxair Management Committee Members may delegate tasks relating to such due diligence to attorneys, accountants and/or other financial employees of Praxair who are not directly engaged in the Praxair Merchant Atmospheric Gases Business; provided, however, that such Praxair employees, accountants and attorneys shall execute a confidentiality agreement prohibiting the disclosure of any Nucorp material confidential information.

4. Should the Federal Trade Commission seek in any proceeding to compel Praxair to divest itself of Nucorp, or any additional assets, as provided in the Consent Agreement, or to seek any other injunctive or equitable relief, Praxair shall not raise any objection based on the expiration of the applicable Hart-Scott-Rodino Antitrust Improvements Act waiting period or the fact that the Commission has permitted the Acquisition. Praxair shall also waive all rights to contest the validity of this Hold Separate.

5. To the extent that this Hold Separate requires Praxair to take, or prohibits Praxair from taking, certain actions that otherwise may be required or prohibited by contract, Praxair shall abide by the terms of this Hold Separate or the Consent Agreement, and shall not assert as a defense such contract requirements in any action brought by the Commission to enforce the terms of this Hold Separate or the Consent Agreement.

6. For the purpose of determining or securing compliance with this Hold Separate, subject to any legally recognized privilege or provision of applicable law, and upon written request with reasonable notice to Praxair made to its General Counsel, Praxair shall permit any duly authorized representative or representatives of the Commission:

a. Access during the office hours of Praxair and in the presence of counsel to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Praxair or relating to compliance with this Hold Separate;

b. Upon five (5) days' notice to Praxair, and without restraint or interference from it, to interview officers or employees of Praxair, who may have counsel present, regarding any such matters.

7. This Hold Separate shall not be binding until approved by the Commission.

Attachment A—Notice of Divestiture and Requirement for Confidentiality

Praxair, Inc. (''Praxair'') and CBI Industries, Inc. have entered into a Consent Agreement and Agreement to Hold Separate with the Federal Trade Commission (''Commission'') relating to the divestiture of the Merchant Divestiture Assets and Businesses. Until after the Commission's Order becomes final and the Merchant Divestiture Assets and Businesses are divested, the Merchant Divestiture Assets and Businesses must be managed and maintained as a separate company, independent of all other Praxair businesses. All competitive information relating to The Merchant Divestiture Assets and Businesses must be retained and maintained by the persons involved in the Merchant Divestiture Assets and Businesses on a confidential basis and such persons shall be prohibited from providing, discussing, exchanging, circulating, or otherwise furnishing any such information to or with any other person whose employment or agency involves any other Praxair business. Similarly, all such persons involved in any other Praxair business shall be prohibited from providing, discussing, exchanging, circulating or otherwise furnishing competitive information about such business to or with any person whose employment or agency involves the Merchant Divestiture Assets and Businesses.

Any violation of the Consent Agreement or the Agreement to Hold Separate, incorporated by reference as part of the Consent Order, may subject Praxair to civil penalties and other relief as provided by law.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted subject to final approval an agreement containing a proposed Consent Order from Praxair, Inc. (''Praxair''), under which Praxair will be required to divest all of the assets and businesses relating to four CBI Industries, Inc. (''CBI'') plants that produce atmospheric gases. In addition, the Commission has accepted an Agreement to Hold Separate (''Hold Separate''), under which Praxair will be required to preserve the assets to be divested as viable, competitive and independent businesses pending divestiture.

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed Order.

Pursuant to a cash tender offer dated November 3, 1995, Praxair proposed to acquire all of the common shares of CBI in a transaction valued at approximately $2.0 billion. On December 22, 1995, the parties entered into a definitive agreement whereby Praxair will purchase all of CBI's common shares. The proposed complaint alleges that the acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C § 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, in the markets for merchant oxygen and merchant nitrogen in Northern and Southern California, Eastern Connecticut, and Western Wisconsin/Southeastern Minnesota, and in the market for merchant argon in Eastern Connecticut, and Western Wisconsin/Southeastern Minnesota.

Common air consists of three principal gases which exist in the atmosphere in fixed proportions: nitrogen (78%); oxygen (21%); and argon (0.9%). These gases are commonly referred to collectively as ''atmospheric gases.'' Nitrogen is used primarily to create inert environments in applications such as heat treating and chemical blanketing, and also for freezing purposes in industries such as food products. Oxygen is used mainly for combustion and oxidization purposes in applications such as foundries, and steel and glass production, and also for medical purposes. Argon is mostly used for welding purposes. Because of their unique properties, there are no adequate substitutes for nitrogen, oxygen or argon. ''Merchant'' atmospheric gases are products (nitrogen, oxygen and argon) supplied to customers in either in bulk liquid form or gaseous form in cylinders.

Geographically, due to significant transportation costs, merchant nitrogen and merchant oxygen can be economically shipped a maximum of approximately 150 to 300 miles from the production facility, depending on such factors as the degree of traffic congestion in a given area. Merchant argon can be shipped much longer distances (up to approximately 1,000 miles), because it is more expensive than nitrogen and oxygen.

Praxair's acquisition of CBI would reduce the number of merchant nitrogen and merchant oxygen competitors in both Northern and Southern California from five to four. In the Northern California market, the post-acquisition Herfindahl-Hirschman Index (''HHI'') would increase by 431 points to 3366, and Praxair would increase its share of that market to 32%. In the Southern California market, the post-acquisition HHI would increase by 440 points to 2727, and Praxair would become the market leader with 34.8% of the market. In two additional areas, Eastern Connecticut and Western Wisconsin/Southeastern Minnesota, Praxair and CBI are each other's closest geographic competitor in merchant nitrogen, oxygen and argon.

New entry into any of these four areas would also be time-consuming and unlikely. Construction of a new manufacturing facility capable of serving the merchant atmospheric gases markets takes approximately two years, and is unlikely as a large percentage of a new plant's output must be sold out prior to or shortly after opening in order to account for the facility's opening costs and the need to operate the plant at a sufficient level of capacity utilization.

Praxair's acquisition of CBI poses serious antitrust concerns. In the Northern and Southern California markets for merchant nitrogen and oxygen, the acquisition would eliminate direct actual competition between Praxair and CBI, enhance the likelihood of coordinated interaction, and thereby increase the likelihood that consumers would be forced to pay higher prices. Coordinated interaction would be enhanced in Northern and Southern California because merchant nitrogen and oxygen are homogeneous products and the remaining firms in both markets would be a fairly homogeneous group that have similar incentives. In Eastern Connecticut and Western Wisconsin/Southeastern Minnesota, where Praxair and CBI are each other's closest geographic competitor in merchant nitrogen, oxygen and argon, the acquisition would eliminate direct actual competition between the parties

and increase the likelihood that Praxair would unilaterally raise prices to consumers.

Under the proposed Consent Order, Praxair is required to divest four of CBI's atmospheric gases production facilities, either individually or in some combination. These facilities are located in: (1) Vacaville, California; (2) Irwindale, California; (3) Bozrah, Connecticut; and (4) Madison, Wisconsin. The proposed Consent states that this divestiture shall take place within twelve (12) months of the date the proposed Order becomes final, and shall be to an acquirer or acquirers approved by the Commission. If Praxair fails to divest the assets within 12 months, a trustee may be appointed to divest the four plants.

The proposed Order also requires Praxair to take all steps necessary to ensure that the plants to be divested continue as ongoing, viable and competitive operations. To this end, an Agreement to Hold Separate is incorporated into the proposed Order to preserve the four plants to be divested and to remedy any anticompetitive effects of the acquisition. Under the Hold Separate, Praxair commits to assure the complete independence and viability of the four plants to be divested. Furthermore, to assure that no confidential information is exchanged between Praxair and the businesses that will be divested, Praxair will hold those businesses separate and apart from all of its other operations.

The Order also requires Praxair to provide the Commission a report of compliance with the divestiture provisions of the Order within sixty (60) days following the date the Order becomes final, and every sixty (60) days thereafter until Praxair has completed the required divestiture.

Finally, with the exception of the Eastern Connecticut and Western Wisconsin/Southeastern Minnesota areas, where Praxair and CBI are each other's closest geographic competitor, the Complaint accompanying the Consent Order does not allege a violation with respect to merchant argon. Because merchant argon can be economically shipped significantly greater distances than nitrogen and oxygen, the geographic market for merchant argon most likely consists of the contiguous United States. CBI's share of the argon market is extremely small, seven other competitors would remain in the market after the acquisition, and anticompetitive effects on a national scale appear unlikely. However, localized unilateral anticompetitive effects are likely in the Eastern Connecticut and Western Wisconsin/Southeastern Minnesota areas, where Praxair and CBI are each other's closest competitors. The divestitures that the proposed Consent Order requires in Eastern Connecticut and Western Wisconsin/Southeastern Minnesota eliminate the likelihood of unilateral anticompetitive effects in merchant argon in those areas.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify in any way their terms.

Donald S. Clark,

Secretary.

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BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Project(s):

Title: Refugee Unaccompanied Minor Placement Report, Refugee Unaccompanied Minor Progress Report.

OMB No.: 0970–0034.

Description: The two reports collect information necessary to administer the refugee unaccompanied minor program. The ORR–3 (Placement Report) is submitted to ORR by the service provider agency at initial placement and whenever there is a change in the child's status, including termination from the program. The ORR–4 is submitted annually and records the child's progress toward the goals listed in the child's case plan.

Respondents: State governments.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
ORR–3	20	50	.417	417
ORR–4	20	55	.250	275

Estimated Total Annual Burden Hours: 692.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described below. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title. Electronic comments must be submitted as an ASCII file without special characters or encryption.

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 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: January 16, 1996.

Roberta Katson,

Director, Division of Information, Resource Management Services.

[FR Doc. 96–719 Filed 1–19–96; 8:45 am]

BILLING CODE 4184–01–M

Administration on Aging

White House Conference on Aging; Compilation of Comments From the Governors on the Proposed Report

AGENCY: White House Conference on Aging, AoA, HHS.

ACTION: Compilation of Governors' Comments (Initial Report).

SUMMARY: The Policy Committee of the White House Conference on Aging is publishing a compilation of the comments received from Governors, as stipulated in the Older American Act, in response to the proposed report of the Conference sent August 1, 1995. The Governors had 90 days in which to review the proposed report and respond with comments. Comments were due November 1, 1995. This notice is an overview of the comments received on the proposed report and a listing of the Governors who responded.

Copies of the full text of the Governors' Comments may be obtained from the White House Conference on Aging. An image file (TIFF) will also be available electronically by accessing the Federal Bulletin Board. This is a secured FTP site. All users must access TELNET to obtain a User-ID and a password. The full text of the Governors' comments will also be published in the White House Conference on Aging final report. Contact information is listed below.

FOR FURTHER INFORMATION CONTACT: White House Conference on Aging, 501 School Street SW., 8th Floor, Washington, DC 20024–2755. The main telephone number for the Conference is (202) 245–7116 and the FAX number is (202) 245–7857. The INTERNET address (CONFERENCE@BAN-GATE.AOA.DHHS.GOV) may also be used.

To obtain the full text of the Governors' comments:

- access the Federal Bulletin Board via modem (setting 8 N 1)—(202) 512–1387;
- access TELNET via INTERNET—fedbbs.access.gpo.gov;
- write to the WHCoA at the above address; or
- after March 31, 1996 contact: National Aging Information Center, 500 E St. SW., Washington, DC 20024–2710. The telephone number is (202) 554–9800.

SUPPLEMENTARY INFORMATION: The Older Americans Act (Act) Amendments of 1992, Public Law 102–375, requires the Policy Committee (which oversees the 1995 White House Conference on Aging) review the comments received from the Governors in response to the proposed report on the Conference sent to them for review August 3. The Act stipulates that the proposed report is to be submitted to the Governors within 90 days of the end of the Conference (the Conference ended on May 5) and the Governors have 90 days in which to review the report and solicit comments on it.

Just five years short of the next millennium, the fourth White House Conference on Aging took place at a time of significant demographic change highlighted by significant growth in the 85 and over and the minority aged population and the rapidly aging baby boom generation. Delegates to the May 2–5, 1995, Conference were charged with helping to shape the Nation's policies so that they might better meet the diverse needs of older Americans while harnessing the vast talent and resources of older people. Debate on these important issues took place within the context of our Nation's fiscal constraints and competing priorities.

The 1995 White House Conference on Aging (WHCoA) was the first to highlight the relationship between the generations. The Conference theme, ''America Now and Into the 21st Century: Generations Aging Together With Independence, Opportunity and Dignity'' exemplifies this interdependence.

A unique feature of this WHCoA has been the involvement of individuals from the grassroots. Over 800 pre-Conference events were held in the fifty States and three of the territories. The recommendations which emerged from these events played a major role in determining the agenda and theme of the Conference as well as the resolutions drafted for the delegates to vote on. Other major sources of grassroots input included more than 900 public comments received on the proposed agenda published in the Federal Register and the numerous letters received from States, individuals, and public and private organizations. This grassroots process has continued with more than 250 post Conference events around the country looking at implementation strategies for the resolutions of greatest importance to the participants in the event.

The proposed report included a comprehensive policy statement on aging, an overview of the resolution process and the 45 resolutions (synthesized from the 50 adopted at the Conference) and brief information about implementation of each resolution. Governors were asked to look particularly at the policy statement and implementation of the resolutions. They were encouraged to look at the resolutions from the context of what their States were doing as well as what impact a resolution would have on their States if implemented.

The national policy on aging statement reiterated that the 1995 WHCoA defined aging as a lifelong process which encompasses all generations. It further stated that the aging of society presents an opportunity but also an obligation for our Nation with every State experiencing an increase in the population of persons age 65 and over during this decade. This trend is expected to continue into the 21st century with especially dramatic growth in minority elderly populations.

The Statement addressed the concern that national aging policy for the present and the future not be developed in a vacuum. Political and fiscal choices must be made. Priorities must be established within these basic principles which provide the framework for a national policy on aging:

- Affirm support for programs and policies which have been extraordinary successes of aging policy in the United States;
- Strengthen independence;
- Promote personal security;
- Encourage and empower people to share responsibility for their own aging while ensuring that the needs of the most vulnerable are met;
- Recognize older persons as resources, utilize their experience, knowledge and skills;
- Value the interdependence of generations; and
- Ensure the quality of life of all Americans as they age.

The other main component of the proposed report was the resolutions: how they were developed, the text of each resolution and how they might be implemented. The resolutions are a major product of the Conference as defined in the authorizing legislation. The Policy Committee had decided while planning the Conference to concentrate the delegates' attention on a limited set of focused resolutions for action.

Recommendations from pre-Conference events were sorted based on the framework outlined in the final agenda and then used to draft the resolutions to be debated by the delegates at the Conference. Delegates also sought the necessary support (signatures of at least 10% of the delegates) to place their own resolutions on the ballot. On the final day of the Conference, delegates voted on resolutions. The 53 resolutions from the Conference were later synthesized to produce a final set of 45 resolutions.

Following the Conference, three basic elements necessary for implementation of the resolutions were identified and suggested implementation plans were prepared. The proposed report covered these three elements as a means to focus and guide further discussion regarding resolution implementation:

• Who has the responsibility to lead and take action:

Federal, state, tribal, and local government
Business
Organized labor
Foundations
Non-profits
Aging network
Delegates
Individuals

• Specific action to be taken:

Legislative (new legislation, amendments to existing laws, and resolutions at the federal, state and local levels)
Regulatory (new Regulations, modifications of existing regulations)
Programmatic (grants, initiatives, cooperative ventures)
Administrative (waivers, orders)
Advocacy
Marketing
Education (dissemination of public information, classes/meetings)
Other

• Timing of actions within the WHCoA's then-year perspective of national aging policies:

Immediate—by October 1996
Short term (ST)—within 5 years
Long term (LT)—within 10 years

The main goal of the 1995 WHCoA is to provide resolutions to influence national aging policy and to develop a blueprint for action to implement these resolutions. The plan for implementation of the resolutions, which will have a major impact on aging concerns into the 21st century, will be included with the recommendations for administrative and legislative action in the final report to be published in January 1996.

Overview of the Governors' Comments

Forty-five Governors responded to the proposed report. Their letters focused primarily on the Conference resolutions and their suggested implementation strategies.

The letters represented a cross section of States in terms of size, region of the country, size of the aging population and condition of the economy. Despite the differences, there were common themes among many of the letters. These included:

1. Importance of quality health care for all generations; including home and community-based care/services;

2. Importance of the Older Americans Act;

3. Intergenerational policies and programs;

4. Social Security; and

5. Importance of the WHCoA.

Specific issues addressed within the common themes are:

1. Importance of Quality Health Care for All Generations, Including Home and Community-Based Care/Services—Governors recognized the need for high-quality health care programs (particularly Medicare and Medicaid) for elders, persons with disabilities and children. While individual responsibility for one's own health was emphasized, it was also recognized that the state and federal governments have a responsibility, particularly to those most frail and vulnerable. Many Governors stressed the importance of preventive care and the need to educate their citizens on healthy practices. Eighteen of the 45 Governors suggested that the states should be given greater flexibility for implementing federal programs such as Medicaid. Many Governors emphasized cost-savings realized in utilizing home and community-based care and services, rather than institutional care. The need for eliminating fraud and abuse as a means of controlling health care costs was also a recurring theme.

2. Older Americans Act—Most Governors expressed support for the Older Americans Act programs. However, ''flexibility'' is the overriding theme of the Governors' comments—to allow states more autonomy in the design and implementation of programs, and in the delivery of services.

3. Intergenerational Policies and Programs—There was general support for transfers among generations, such as the fiscal transfers in the Social Security program and those among individuals in mentoring programs. The Governors appreciated the intergenerational theme of the Conference and the support the delegates gave to programs for children (nutrition programs, other ''safety net'' programs and grandparents raising grandchildren). They agreed with the delegates that investments in these programs now will benefit both today's older and younger people. There was concern, nonetheless, about balancing our obligation to future generations with the fiscal impact of continuing to provide services, benefits, and entitlements.

4. Social Security—Several Governors noted that although Social Security was intergenerational issue requiring sensitivity to the needs of current recipients while ensuring that there will be benefits for future retirees. As with health care, Governors stressed the need for tighter controls to eliminate fraud and abuse.

5. Importance of the WHCOA—Governors who commented on the WHCOA expressed appreciation for the Conference's solicitation of grass roots involvement in developing the resolutions. Every state conducted either a pre or post White House Conference on Aging (some states have done both). Many Governors indicated that their state's delegates to the WHCOA had assisted in the preparation of their report and would be called upon to assist with the development of state aging programs and policies.

In general the Governors expressed the need to be flexible, innovative and cost conscious. They emphasized the need to promote individual, family and community responsibility while at the same time recognizing the importance of the state and federal role in maintaining and enhancing programs and services for those citizens who are frail, poor and most vulnerable.

A full listing of the 45 Governors who provided comments on the proposed report as well as a compilation of the programs and policies they raised in their comments is included in this report. The Policy Committee feels it is important to make the full text of the Governors letters available to the public and will do so including at the time the Final Report of the White House Conference on Aging is published early in 1996.

Governors letters available to the public and will do so including at the time the Final Report of the White House Conference on Aging is published early in 1996.

Comments are welcome.

List of Governors Who Submitted Comments

Governor Fob James (R–AL)*
Governor Tony Knowles (D–AK)
Governor Jim Guy Tucker (D–AR)
Governor Pete Wilson (R–CA)
Governor Roy Romer (D–CO)
Governor John G. Rowland (R–CT)
Governor Lawton Chiles (D–FL)
Governor Zell Miller (D–GA)
Governor Benjamin J. Cayetano (D–HI)
Governor Philip E. Batt (R–ID)
Governor Jim Edgar (R–IL)
Governor Evan Bayh (D–IN)
Governor Terry E. Branstad (R–IA)
Governor Bill Graves (R–KS)
Governor Brereton C. Jones (D–KY)
Governor Edwin W. Edwards (D–LA)
Governor Angus S. King, Jr. (I–ME)
Governor Parris N. Glendening (D–MD)
Governor William F. Weld (R–MA)*
Governor John Engler (R–MI)
Governor Arne H. Carlson (R–MN)

Governor Kirk Fordice (R–MS)
Governor Mel Carnahan (D–MO)
Governor E. Benjamin Nelson (D–NE)
Governor Bob Miller (D–NV)
Governor Christine Todd Whitman (R–NJ)*
Governor Gary Johnson (R–NM)
Governor George E. Pataki (R–NY)
Governor James B. Hunt, Jr. (D–NC)
Governor Edward T. Schafer (R–ND)
Governor George V. Voinovich (R–OH)
Governor John A. Kitzhaber (D–OR)
Governor Tom Ridge (R–PA)
Governor Pedro Rossello (I–PR)
Governor Lincoln Almond (R–RI)
Governor David Beasley (R–SC)
Governor William J. Janklow (R–SD)
Governor Don Sundquist (R–TN)
Governor George W. Bush, Jr. (R–TX)
Governor Michael O. Leavitt (R–UT)
Governor Howard Dean (D–VT)
Governor George Allen (R–VA)*
Governor Mike Lowry (D–WA)
Governor Gaston Caperton (D–WV)
Governor Tommy Thompson (R–WI)
*Governors' designee submitted response

Programs and Policies Addressed in Governors' Comments

Housing and Transportation—7 States (AK, GA, ME, MI, NM, NY, WV)
Social Security—19 States (CT, FL, GA, HI, ID, LA, MD, MI, NV, NJ, NM, NY, OR, RI, SD, TN, VT, VA, WV)
Elders as resources—14 States (CA, FL, ID, IL, KY, LA, MD, MA, MI, NM, SD, TX, WV, WI)
Intergenerational—23 States (CA, CO, FL, HI, IL, KY, LA, MD, MA, MI, MS, NJ, NM, OH, OR, PA, SD, TN, UT, VT, WA, WV, WI)
Older Americans Act—24 States (AR, FL, GA, HI, ID, KY, LA, MD, MA, MI, MS, NE, NV, NJ, NM, NC, OR, PA, RI, TN, VT, WA, WV, WI)
Medicare and Medicaid—34 States (AK, AR, CA, CO, CT, FL, GA, HI, ID, IA, KY, LA, ME, MD, MA, MI, MN, MS, NE, NV, NJ, NM, NC, NY, OR, PA, RI, SC, TN, UT, VT, WA, WV, WI)
Health Care Reform—16 States (KY, LA, ME, MD, MI, NJ, ND, NY, RI, SC, TN, UT, VT, VA, WV, WI)

Dated: January 11, 1996.

Fernando M. Torres-Gil,

Assistant Secretary for Aging.

[FR Doc. 96–645 Filed 1–19–96; 8:45 am]

BILLING CODE 4130–02–M

Food and Drug Administration

Public Information; List of All Memoranda of Understanding and Agreements Between FDA and State or Local Government Agencies; Availability; Update

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; update.

SUMMARY: The Food and Drug Administration (FDA) is publishing an update of the September 1993 list of all memoranda of understanding (MOU's) that are cooperative work-sharing agreements currently in effect between FDA and State or local government agencies. FDA publishes this list to provide information to the public on these agreements. The full text of any of the listed MOU's is available from FDA on request.

ADDRESSES: Submit written requests for single copies of any of the listed MOU's to the Division of Federal-State Relations (HFC–150), Food and Drug Administration, 5600 Fishers Lane, rm. 12–07, Rockville, MD 20857. Requests should be identified with the Compliance Policy Guide (CPG) number and title of the document. The listed MOU's are also available for public examination in the office of the Freedom of Information Staff, Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Glenn Johnson, Division of Federal-State Relations (HFC–152), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3360.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 20, 1993 (58 FR 48794), FDA published a final rule exempting from publication in the Federal Register the full text of those MOU's that are cooperative work-sharing agreements between FDA and State or local government agencies. The same rule required FDA to publish periodically, but not less than once every 2 years, a notice listing all such agreements and MOU's currently in effect. The first periodic list was published in the Federal Register of September 20, 1993 (58 FR 48889), and updated in the Federal Register of November 8, 1993 (58 FR 59269). FDA is now updating the list by publishing a complete list of all MOU's that are cooperative work-sharing agreements currently in effect between FDA and State or local government agencies.

CPG Number	Title	Date
7157.01	MOU with the *New Mexico Department of Health and Environment* and *New Mexico Department of Agriculture* regarding coordination of information and work-sharing in monitoring pesticide residues and mycotoxins in food and animal feed commodities produced in or shipped into the State of New Mexico. Revised Apr. 12, 1994. (FDA–225–88–4002)	Aug. 5, 1988
7157.03	MOU with the *Washington State Department of Agriculture* regarding inspection and grading of grain, rice, and pulses. (FDA–225–81–4000)	Sept. 10, 1981
7157.04	MOU with the *State of Illinois Attorney* General regarding development and implementation of appropriate sanctions concerning fraud and deception involving foods, drugs, devices, and cosmetics. (FDA–225–83–4000)	Dec. 13, 1982

CPG Number	Title	Date
7157.05	MOU with the *District of Columbia, Department of Consumer and Regulatory Affairs* concerning public health emergencies, coordination of consumer complaint investigations, joint training efforts, analytical assistance, and mutual exchange of inspectional information. Revised Apr. 20, 1988. (FDA–225–84–4000)	Dec. 2, 1983
7157.09	MOU with the *Virginia Board of Pharmacy* for the inspection of drug manufacturers, wholesalers, and distributors. Revised Mar. 29, 1988. (FDA–225–78–4002)	Mar. 10, 1978
7157.10	MOU with the *West Virginia Health Department* relating to the inspection of the food processing industry. Revised Apr. 7, 1988. (FDA–225–76–4011)	FY1976
7157.11	MOU with the *West Virginia Department of Agriculture* concerning regulatory activities related to inspection of food storage and medicated feed industries. Revised Apr. 19, 1988. (FDA–225–76–4008)	Apr. 19, 1976
7157.12	MOU with the *Virginia Department of Agriculture and Consumer Services* concerning inspection of food processing and storage industries. Revised Feb. 22, 1989. (FDA–225–76–4004)	Sept. 26, 1975
7157.13	MOU with the *Maryland Department of Health and Mental Hygiene* concerning the regulation of food processing and storage industries, emergency public health problems of food origin, product recalls, and complaints about food products. Revised Jan. 31, 1989. (FDA–225–75–4073)	June 11, 1975
7157.14	MOU with the *Kentucky Department for Health Services* related to milk, food, cosmetics, interstate travel sanitation, radiological health, drugs, and pesticides. Revised June 28, 1990. (FDA–225–79–4002)	Feb. 8, 1979
7157.15	MOU with the *Virginia Department of Health* concerning the inspection of the crabmeat industry. Revised May 20, 1988. (FDA–225–76–4005)	Dec. 15, 1975
7157.16	MOU with the *Allegheny County Health Department* concerning coordination of inspection of food processing, storage, and service facilities and interstate carrier support facilities. Revised Apr. 8, 1988. (FDA–225–78–4000)	Nov. 18, 1978
7157.17	MOU with the *Maine Department of Agriculture, Food and Rural Resources* concerning the coordination of joint efforts in monitoring pesticide and industrial chemical residues in foods. (FDA–225–90–4002)	Mar. 22, 1990
7157.18	MOU with the *Florida Department of Agriculture and Consumer Services* regarding activities related to milk foods, medicated feeds, and monitoring pesticide residues in raw agricultural commodities grown or shipped into Florida. Revised Oct. 16, 1989. (FDA–225–85–4002)	Feb. 19, 1985
7157.19	MOU with the *Nebraska Department of Agriculture* concerning inspections, investigations, and analytical findings related to food and animal feed firms. Revised May 12, 1995. (FDA–225–85–4001)	June 27, 1985
7157.21	MOU with the *Kansas Department of Health and Environment* concerning the inspections, investigations, and analytical findings related to food and drug firms. Revised May 12, 1995. (FDA–225–86–4002)	Dec. 12, 1985

CPG Number	Title	Date
7157.22	Agreement with the *State of New Jersey Department of Health* establishes a cooperative program for the inspection of drug firms, investigation of drug related health frauds, analysis of drug samples, and recalls, etc. (FDA–225–86–4001)	Feb. 3, 1986
7157.23	MOU with the *Pennsylvania Department of Health* regarding the inspection of drug, device, and cosmetic manufacturers, wholesalers, and distributors. Revised Apr. 6, 1988. (FDA–225–75–4071)	FY1975
7157.24	MOU with the *Delaware Board of Pharmacy* concerning regulatory activities related to the inspection of drug manufacturers, wholesalers, and distributors. Revised Mar. 18, 1988. (FDA–225–76–4007)	Dec. 1, 1977
7157.25	MOU with the *State of Missouri Department of Health* establishes a cooperative program relating to foods, recalls, disaster investigations, HIV related issues, and exchange of inspectional and analytical information. Revised May 12, 1995. (FDA–225–86–4000)	Sept. 2, 1986
7157.27	MOU with the *Pennsylvania Department of Agriculture* concerning the regulation of food processing and storage facilities. Revised Nov. 30, 1988. (FDA–225–77–4000)	Sept. 8, 1976
7157.28	MOU with the *Texas Department of Health* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food and drug firms in the State of Texas. (FDA–225–87–4001)	Feb. 11, 1987
7157.29	MOU with the *Delaware Department of Agriculture, Maryland Department of Agriculture, Pennsylvania Department of Agriculture, Virginia Department of Agriculture and Consumer Services, West Virginia Department of Agriculture, USDA Food Safety and Inspection Services, Northeastern* and *Southeastern Regional Offices* relative to regulatory investigations involving drug, pesticide, and industrial chemical residues in animal feeds, meat, and poultry. Revised Sept. 13, 1990. (FDA–225–76–4002)	Oct. 12, 1975
7157.30	MOU with the *Florida Department of Health and Rehabilitative Services* concerning cooperation in consumer protection activities, such as foods, drugs, medical devices, cosmetics, and radiating electronic products. (FDA–225–87–4002). Updated and signed on June 25, 1993.	Mar. 30, 1987
7157.31	MOU with the *State of Illinois Department of Public Health* concerning the monitoring investigation of foodborne illnesses. Revised Aug. 18, 1987. (FDA–225–80–4001)	May 5, 1980
7157.32	MOU with the *Oklahoma Department of Health* and the *Oklahoma Department of Agriculture* concerning joint efforts for the coordination of information in monitoring pesticide residues and mycotoxins in food and animal feed commodities. (FDA–225–88–4001)	May 9, 1988
7157.33	MOU with the *State of California Department of Food and Agriculture* concerning monitoring and enforcement for pesticide residues in raw agriculture commodities. (FDA–225–89–4005)	Mar. 31, 1989
7157.34	MOU with the *State of Arkansas Department of Health* and *Arkansas State Plant Board* concerning monitoring pesticide residues and mycotoxins in food and animal feed commodities. (FDA–225–89–4007)	Apr. 24, 1989

CPG Number	Title	Date
7157.35	MOU with the *State of Texas Department of Health, Texas Department of Agriculture* and *Texas Agricultural Experiment Station* concerning coordination and sharing of pesticide monitoring data with residues in raw and processed agricultural products. Updated and signed on June 3, 1993. (FDA–225–90–4001)	Jan. 25, 1990
7157.36	MOU with the *State of Ohio Department of Health* concerning information sharing about levels of pesticides in Grade A milk, milk products, Grade A goat milk, and goat milk products. (FDA–225–90–4000)	Jan. 18, 1990
7157.37	MOU with the *State of Connecticut Department of Consumer Protection* concerning the coordination of joint efforts in monitoring pesticide and industrial chemical residues in foods. (FDA–225–90–4003)	May 16, 1990
7157.38	MOU with the *State of New York Department of Agriculture and Markets* to ensure the prompt and effective food-related consumer protection services within the State of New York. (FDA–225–90–4004)	June 20, 1990
7157.39	MOU with the *Commonwealth of Kentucky Board of Pharmacy* concerning the investigations of drug distributors involving violations of the Prescription Drug Marketing Act of 1987 (PDMA). (FDA–225–90–4006)	July 16, 1990
7157.40	MOU with the *State of Rhode Island Department of Health* concerning the coordination of joint efforts in monitoring pesticide and industrial chemical residues in foods. (FDA–225–90–4005)	Sept. 26, 1990
7157.41	MOU with the *State of Georgia Department of Agriculture, Animal Feed Division , USDA Food Safety and Inspection Service*, and *USDA Animal and Plant Health Inspection Service* relative to regulatory investigations involving drugs, pesticide, and toxic chemical residues in animal feed and in meat tissues. (FDA–225–91–4000)	Oct. 11, 1990
7157.42	MOU with the *National Association of State Departments of Agriculture (NASDA)* to coordinate their respective public education activities regarding the safety and wholesomeness of the U.S. food supply. (FDA–225–91–4005)	Mar. 4, 1991
7157.43	MOU with the *State of Washington Department of Agriculture* concerning the coordination of joint efforts in monitoring pesticide residues in food and animal feed commodities produced in or shipped into the State of Washington. (FDA–225–91–4001)	Apr. 11, 1991
7157.45	MOU with the *Wyoming Department of Agriculture* concerning their mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food, drug, and medical device firms in the State of Wyoming. (FDA–225–92–4001)	Mar. 20, 1992
7157.46	MOU with the *Utah Department of Agriculture* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food firms in the State of Utah. (FDA–225–92–4006)	Apr. 16, 1992
7157.47	MOU with the *Arkansas Department of Health* and the *State of Arkansas Attorney General, Consumer Protection Division* to develop and implement appropriate sanctions concerning fraud and deception involving drugs, devices, and cosmetics in the State of Arkansas. (FDA–225–92–4004)	Apr. 17, 1992

CPG Number	Title	Date
7157.48	MOU with the *Colorado Department of Health* and *Colorado Department of Law, Office of the Attorney General* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food, drug, cosmetic, and medical device firms in the State of Colorado. (FDA–225–92–4005)	Apr. 22, 1992
7157.49	MOU with the *Michigan Department of Agriculture, Food Division* concerning their mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food and other mutual jurisdiction firms in the State of Michigan. (FDA–225–92–4000)	Nov. 20, 1991
7157.50	MOU with the *Minnesota Department of Agriculture* concerning the mutual planning and sharing reports of inspections, investigations and analytical findings relating to food and medicated feed firms in the State of Minnesota. (FDA–225–92–4008)	July 29, 1992
7157.51	MOU with the *State of South Carolina Department of Agriculture* concerning the mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food and drug firms in the State of South Carolina. (FDA–225–92–4007)	July 31, 1992
7157.52	MOU with the *Alabama Department of Public Health* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food in the State of Alabama. (FDA–225–92–4009)	June 23, 1992
7157.53	MOU with the *Tennessee Department of Agriculture* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings in the State of Tennessee. (FDA–225–92–4011)	Aug. 25, 1992
7157.54	MOU with the *State of Oklahoma Attorney General, Consumer Protection Division* and *Oklahoma Department of Health* concerning the implementation of appropriate sanctions involving fraud and deception involving foods, drugs, devices, and cosmetics in the State of Oklahoma which are in violation of State and/or Federal law. (FDA–225–92–4010)	Aug. 17, 1992
7157.55	MOU with the *South Carolina Department of Agriculture, U.S. Department of Agriculture, Food Safety and Inspection Service, Southeastern Region, Animal and Plant Health Inspection Service, Veterinary Service*, and *Clemson University* regarding the detection, investigation, documentation and control of violative levels of drugs, pesticides and toxic chemical residues in edible tissues derived from food animals. (FDA–225–91–4006)	Nov. 8, 1991
7157.56	MOU with the *State of North Carolina Department of Agriculture* concerning their mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food and drug firms in the State of North Carolina. (FDA 225–93–4000)	Oct. 2, 1992
7157.57	MOU with the *Washington State Department of Agriculture* concerning their mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food firms in the State of Washington. (FDA 225–93–4001)	Jan. 5, 1993

CPG Number	Title	Date
7157.58	MOU with the *South Carolina Department of Health and Environmental Control* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food firms in the State of South Carolina. (FDA 225–93–4002)	Nov. 12, 1992
7157.59	MOU with the *Oregon Department of Agriculture* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food firms in the State of Oregon. (FDA–225–93–4003)	Feb. 24, 1993
7157.60	MOU with the *Iowa Department of Agriculture and Land Stewardship* concerning the inspection, investigation, and analytical findings relative to animal feed firms in the State of Iowa. (FDA–225–93–4004)	Mar. 2, 1993
7157.61	MOU with the *Florida Department of Agriculture and Consumer Services* and *Food Safety and Inspection Service, USDA* concerning regulatory investigations involving drug, pesticide, and environmental chemical residues in animal feeds, meats, and poultry tissue. (FDA–225–91–4007)	Aug. 23, 1991
7157.62	MOU with the *Commercial Feed Regulatory Agencies of the States of Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota and Wisconsin* concerning mutual planning, sharing of information and training in matters relating to animal feed and the impacts of animal feed on food. (FDA–225–93–4009)	May 24, 1993
7157.63	MOU with *Delaware Division of Public Health* to coordinate their regulatory activities as they relate to the inspection of the food processing industry within the State of Delaware. (FDA–225–93–4008)	Aug. 19, 1993
7157.64	MOU with the *Commonwealth of Puerto Rico Department of Consumer Affairs (DACO)* concerning cooperative education initiatives, mutual planning, sharing reports of inspections, investigations, and analytical findings relating to both agency's areas of responsibilities including health fraud surveillance and administrative/regulatory action. (FDA–225–94–4000)	Oct. 1, 1993
7157.65	MOU with the *Iowa Department of Inspections and Appeals* concerning the inspection, investigation and analytical findings relative to wholesale food establishments in the State of Iowa. (FDA–225–94–4001)	Sept. 23, 1993
7157.66	MOU with the *California Department of Health Services, Food, Drug, and Radiation Safety Division, Food and Drug Branch* concerning the exchange of information of mutual interest in a more timely manner, and to the extent possible, maximize investigations, inspections, and regulatory efforts. (FDA–225–94–4003)	Jan. 26, 1994
7157.67	MOU with the *Texas Department of Health* regarding the inspection of methadone programs, blood banks, and plasmapheresis operations and sharing information from these inspections. (FDA 225–94–4004)	May 6, 1994
7157.68	MOU with the *Louisiana Department of Agriculture and Forestry* concerning mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food firms in the State of Louisiana. (FDA 225–94–4005)	June 28, 1994

CPG Number	Title	Date
7157.69	MOU with the *Arizona Department of Health Services* concerning mutual planning and sharing and sharing reports of inspections, investigations, and analytical findings relating to food, device, and drug firms in the State of Arizona. (FDA–225–94–4006)	Sept. 28, 1994
7157.70	MOU with the *Florida Department of Agriculture and Consumer Services* concerning mutual planning and sharing of reports of inspections, investigations, and analytical findings involving milk, foods, medicated feeds, and pesticide residues in the State of Florida. (FDA–225–95–4001)	Sept. 28, 1994
7157.71	MOU with the *Wisconsin Department of Agriculture, Trade, and Consumer Protection* concerning the mutual planning and sharing reports of inspections, investigations, and analytical findings relating to food and drug firms in the State of Wisconsin. (FDA 225–92–4012)	Aug. 24, 1992

Dated: December 15, 1995.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–637 Filed 1–19–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committees have been filed with the Library of Congress:

National Advisory Council on Migrant Health

National Advisory Council on the National Health Service Corps

National Advisory Council on Nurse Education and Practice Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue SE., Washington, DC. Copies may be obtained from: Mr. Antonio E. Duran, Executive Secretary, National Advisory Council on Migrant Health, 4350 East/West Highway, Bethesda, MD 20814, Telephone (301) 594–4303. Nada Schnabel, National Advisory Council on the National Health Service Corps, 4350 East/West Highway, 8th Floor, Rockville, Maryland 20857, Telephone (301) 594–4137. Melaine Timberlake, Executive Secretary, National Advisory Council on Nurse Education and Practice, Room 9–36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5786.

Dated: January 16, 1996.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 96–642 Filed 1–19–96; 8:45 am]

BILLING CODE 4160–15–M

Program Announcement for Cooperative Agreements for Basic/Core Area Health Education Center Programs, and Model State-Supported Area Health Education Center Programs and Grants for Health Education and Training Centers for Fiscal Year 1996

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1996 Cooperative Agreements for Basic/Core Area Health Education Center (AHEC) Programs authorized under section 746(a)(1), and Model State-Supported Area Health Education Center Programs authorized under section 746(a)(3), and Grants for Health Education and Training Center (HETC) Programs authorized under section 746(f), title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Public Law 102–408, dated October 13, 1992.

This program announcement for the above stated programs is subject to reauthorization of the legislative authority and to the appropriation of funds. Applicants are advised that this program announcement is a contingency action being taken to assure that should authority and funds become available for these purposes, awards can be made in a timely fashion consistent with the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year. At this time, given a continuing resolution and the absence of FY 1996 appropriations for title VII programs, the amount of funds available for these specific cooperative agreement and grant programs cannot be estimated.

Funding factors may be applied in determining the funding of approved applications for these programs. A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of applications. A funding priority is defined as the favorable adjustment of aggregate review scores of individual approved applications when applications meet specified objective criteria. It is not required that applicants request consideration for a funding factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Cooperative Agreements for Basic/Core Area Health Education Center (AHEC) Program; Section 746(a)(1)

Purpose: Section 746(a)(1) of the PHS Act authorizes Federal assistance to schools of medicine (allopathic and osteopathic) which have cooperative arrangements with one or more public or nonprofit private area health education centers for the planning, development and operation of area health education center programs.

Eligibility: To be eligible to receive support for an area health education center cooperative agreement, the applicant must be a public or nonprofit private accredited school of medicine (allopathic or osteopathic) or

consortium of such schools, or the parent institution on behalf of such school(s).

Period of Support: Applicants may request up to 3 years of support with the expectation that AHECs planned and developed in years 1 and 2 would be fully operational no later than the 3rd year. The period of Federal support should not exceed 12 years for an area health education center program and 6 years for an area health education center.

General Requirements: As provided in section 746(b), a medical school (allopathic or osteopathic) may not receive an award for operational expenses under the existing basic AHEC award authority unless the program:

(a) Maintains preceptorship educational experiences for health science students;

(b) Maintains community-based primary care residency programs or is affiliated with such programs;

(c) Maintains continuing education programs for health professionals or coordinates with such programs;

(d) Maintains learning resource and dissemination systems for information identification and retrieval;

(e) Has agreements with community-based organizations for the delivery of education and training in the health professions;

(f) Is involved in the training of health professionals (including nurses and allied health professionals), except to the extent inconsistent with the law of the State in which the training is conducted; and

(g) Carries out recruitment programs for the health science professions, or programs for health-career awareness, among minority and other elementary or secondary students from the areas the program has determined to be medically underserved;

Provisions Regarding Funding:

1. Section 746(e)(1)(B) of the Act requires that not more than 75 percent of total operating funds of a program in any year shall be provided by the Federal Government. However, as provided in section 746(e)(2), for an AHEC center developed as part of an AHEC program first funded under the basic AHEC authority on or after October 13, 1992, a ceiling of 55 percent of any fifth or sixth year of the development or operation of a center is established.

2. The participating medical schools must provide for the active participation of at least two schools or programs of other health professions (including a school of dentistry) if there is one affiliated with the medical school's university and a graduate program of mental health practice, if there is one affiliated with the university.

3. At least 75 percent of the total funds provided to a school under any AHEC program authority (Basic/Core AHEC Program(s), or Model State-Supported AHEC Program(s)) must be expended by the AHEC program in AHEC centers and the school is required to enter into an agreement with each of such centers for purposes of specifying the allocation of the 75 percent of funds.

Review Criteria: The following review criteria apply to the Basic/Core AHEC Programs, section 746(a)(1) and the Model State-Supported AHEC Programs, section 746(a)(3). These review criteria were established after public comment at 60 FR 24638, dated May 9, 1995.

The review of applications will take into consideration the following criteria:

1. The degree to which the proposed project adequately provides for the program requirements set forth in sections 746(a)(1) and 746(a)(3);

2. The capability of the applicant to carry out the proposed project activities in a cost-efficient manner;

3. The extent of the need which the proposed AHEC program is addressing in the area to be served by the area health education center(s);

4. The potential of the proposed AHEC program and participating center(s) to continue on a self-sustaining basis; and

5. The extent to which the proposed project adequately responds to AHEC Program performance measures and outcome indicators.

Basic AHEC and Model AHEC Programs Performance Measures and Outcome Indicators: The development of outcome measures and other types of effectiveness measures is stressed in the title VII authorization legislation, the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408. The Division of Medicine of the Bureau of Health Professions is continuing to identify and develop outcome measures for ongoing programs. Applicants are encouraged to respond in their applications to the following performance measures and outcome indicators:

A. State/local Funding (100 points). The current level of State funding or local funding for the proposed or ongoing AHEC program, and the percentage of funds from non-Federal sources which make up the annual budget of the AHEC program and/or AHEC center(s).

B. AHEC Program Elements (280 points).

(1) 10 percent Clinical Training with an emphasis on Ambulatory Care Settings (40 points). The anticipated number of medical students trained annually in AHEC-supported remote ambulatory care sites, and the percentage (10 percent or more) of clinical undergraduate training of the medical school provided at AHEC-supported sites.

(2) Primary Care Residency (40 points). The number of residents participating in at least one AHEC affiliated primary care residency (in Family Medicine, General Internal Medicine, or General Pediatrics) and the percentage of medical school graduates selecting primary care specialties over a most recent three-year period.

(3) PA/NP Training and Recruitment (30 points). The number of students participating in at least one AHEC affiliated PA or NP training program.

(4) Linkages to Other Federal Initiatives—Underserved Sites (30 points). The active working relationships with other federally supported primary care oriented programs such as CHCs, MHCs, NHSC, and IHS facilities serving the underserved.

(5) Linkages to other State Initiatives (10 points). Active working relationships with State supported programs such as state offices of rural health, state loan repayment programs, state health department, primary care associations, and other statewide initiatives.

(6) Statewide Consortium (10 points). Participation within a statewide consortium which addresses health professions training needs and improvement of access to health services through educational interventions, including the supply and distribution of primary care personnel to underserved areas.

(7) Multidisciplinary/Interdisciplinary training (40 points). The sites, number of trainees and the expected impact on primary care needs of underserved areas by proposed or ongoing AHEC-supported primary care multidisciplinary training programs.

(8) Disadvantaged and/or Minority Recruitment/Retention Institutional Performance—Percent Minority Graduates (40 points). The relationship of minority recruitment efforts to admission and retention at specific health career training programs/institutions, and the percentage of disadvantaged and underrepresented minority graduates of the programs/institutions.

(9) Evidence of proposed or existing AHEC(s), and participation in community-based decision-making (20 points). Collaboration of community-based AHEC centers with medical and other health professions training

programs and a network of primary care training sites.

(10) AHEC Services to enhance the practice environment of program area (20 points). The range of AHEC services provided to enhance the practice environment (i.e., learning resources, telecommunications as a teaching tool), and the number of regional practitioners involved in the AHEC as adjunct faculty.

C. Expected Outcomes in AHEC Geographic Areas (20 points). A system is proposed or in place for tracking AHEC-experienced trainees (students, residents) who eventually practice in primary care in underserved areas.

Each of the performance measures and outcome indicators presented above contributes to overall project performance.

Substantial Programmatic Involvement:

The Bureau of Health Professions, within the Health Resources and Services Administration, has substantial programmatic involvement in the planning, development, and administration of the Basic/Core AHEC and Model AHEC projects by:

1. Reviewing and approving plans upon which continuation of the cooperative agreement is contingent in order to permit appropriate direction and redirection of activities;

2. Reviewing and approving all contracts and agreements among recipient medical or osteopathic schools, other health professions schools and community-based centers;

3. Participating with project staff in the development of funding projections;

4. Developing, with project staff, individual project data collection systems and procedures; and

5. Participating with project staff in the design of project evaluation protocols and methodologies.

To receive support, these programs must meet the requirements of the regulations as set forth in 42 CFR part 57, subpart MM.

Model State-Supported Area Health Education Center Programs Section 746(a)(3)

Purpose and Eligibility: Section 746(a)(3) authorizes Federal assistance to any school of medicine (allopathic or osteopathic) that is operating an area health education centers program and that is not receiving financial assistance under section 746(a)(1), title VII of the PHS Act. In general, an area health education center program shall be a cooperative program of one or more medical (M.D. and D.O.) school(s) and one or more public or nonprofit private regional area health education centers.

The statutory authority for the Model State-Supported AHEC Program contains explicit language regarding activities and agreements between the medical and osteopathic schools of medicine which develop AHEC programs and the free-standing, community-based area health education centers which provide training sites and resources for the activities. To accomplish these specific tasks, a system of subcontracts is developed between the health professions schools and the independent AHEC centers in the communities.

Matching Funds Requirement: With respect to the costs of operating the Model State-Supported AHEC program, the school will make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount that is not less than 50 percent of such costs. These funds must be for the express use of the AHEC Program and Centers, and not funds designated for other categorical or specific purposes. Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions in cash.

Section 746(a)(3)(D) states that schools must maintain expenditures of non-Federal amounts at a level that is not less than the level of such expenditures for the fiscal year preceding the first fiscal year for which the school receives an award.

Programmatic Agreements of Model State-Supported AHEC Programs: Certain programmatic agreements are required for the operation of a Model State-Supported AHEC Program. In operating this program, the school must agree to:

a. Coordinate the activities of the program with the activities of any office of rural health established by the State or States in which the program is operating;

b. Conduct health professions education and training activities consistent with national and State priorities in the area served by the program in coordination with the National Health Service Corps, entities receiving funds under section 329 or 330 and public health departments; and

c. Cooperate with any entities that are in operation in the area served by the program and that receive Federal or State funds to carry out activities regarding the recruitment and retention of health care providers.

Other Considerations: Applicants in States where more than one eligible entity exists are encouraged to collaborate in the submission of a single Model State-Supported AHEC Program application, which reflects a consortium of Statewide programs to coordinate community-based health professions training activities.

The principal objective of this legislation is to encourage State coordination and support for AHEC activities. The most effective approach for obtaining support from State legislatures is to present a unified plan showing how all the programs are working together to provide the needed services in the State. Competitive applications from one State tend to be divisive rather than unifying in reaching common goals.

Criteria for Allocation of Available Funds: The following criteria for allocation of funds were established in the Federal Register on September 14, 1993, (at 58 FR 48068) after public comment and are being continued in FY 1996.

As a condition of receiving funding:

(l) Applicants must meet the eligibility conditions of programs as set forth in section 746(b), and the AHEC centers they wish to have included must meet eligibility requirements in accordance with section 746(d);

(2) The non-Federal contribution to the AHEC program(s) in the current year is at least equal to the amount to be received from the Federal program as required by section 746(a)(3)(B); and

(3) The program activities for which support is requested are determined by peer reviewers to be qualitatively acceptable. Programs that submit acceptable applications, in accordance with the above criteria, will receive funding based on the following allocation of funds:

1. Annually, the total amount available for funding under section 746(a)(3) will be divided by the total number of qualifying AHEC centers in approved applications. This will yield the per center allocation. The coordinating AHEC applicant for each State will receive an amount equal to the number of qualifying centers in the approved application times the per center allocation, subject to the amount of non-Federal cost contributions and approved program activities.

2. In accordance with the provisions of section 746(e)(l)(A), the award will clearly indicate that 75 percent of the awarded funds are to be spent in approved centers. The remaining 25 percent may be allocated to the AHEC program office and/or other participating schools. Awardees may distribute 75 percent or more of funds to centers according to need.

The State matching provision was included in this legislation to promote State funding. The allocation of Federal

funds to all qualifying AHEC programs is intended to provide as broad as possible a base for the accomplishment of this purpose. The number of qualifying AHEC centers provides the means for distribution of funds because the statute requires that 75 percent of the funds are designated to go to these entities.

Health Education and Training Centers

Eligibility and Purpose: Eligible applicants are public or nonprofit private accredited schools of allopathic or osteopathic medicine, or the parent institution on behalf of such schools, or a consortium of such schools. Assistance is for planning, developing, establishing, maintaining, and operating Health Education and Training Centers. Such support is designed to improve the supply, distribution, quality, and efficiency of personnel providing health services in the State of Florida or (in the United States) along the border between the United States and Mexico or providing, in other urban and rural areas (including frontier areas) of the United States, health services to any population group, including Hispanic individuals and recent refugees, that has demonstrated serious health care needs. Assistance is also to encourage health promotion and disease prevention through public education.

Project Requirements: Each project must meet the following statutory requirements:

(a) Establish an advisory group comprised of health service providers, educators and consumers from the service area and of faculty from participating schools;

(b) Develop a plan for carrying out the Health Education and Training Centers Program, after consultation with the advisory group required in item (a) above;

(c) Enter into contracts, as needed, with other institutions or entities to carry out the plan as required in item (b) above;

(d) Enter into a contract or other written agreement with one or more public or nonprofit private entities in the State which have expertise in providing health education to the public;

(e) Be responsible for the evaluation of the program;

(f) Evaluate the specific service needs for health care personnel in the service area;

(g) Assist in the planning, development, and conduct of training programs to meet the needs determined under item (f) above;

(h) Conduct or support not less than one training and education program for physicians and one program for nurses for at least a portion of the clinical training of such students;

(i) Conduct or support training in health education services, including training to prepare community health workers to implement health education programs in communities, health departments, health clinics, and public schools that are located in the service area;

(j) Conduct or support continuing medical education programs for physicians and other health professionals (including allied health personnel) practicing in the service area;

(k) Support health career educational opportunities designed to provide students residing in the service area with counseling, education, and training in the health professions;

(l) With respect to Border HETCs, assist in coordinating their activities and programs with any similar activities and programs carried out in Mexico along the border between the United States and Mexico;

(m) Make available technical assistance in the service area in the aspects of health care organization, financing and delivery;

(n) In the case of any school of public health located in the service area of the HETC, to permit any such school to participate in the program of the center if the school makes a request to so participate; and

(o) Encourage health promotion and disease prevention through health education in the service area.

In addition, in order to assure effective program administration and assessment, each project must also meet the following requirements which were established following public comment at 55 FR 31237, dated August 1, 1990 .

Each grantee must:

(a) Have a project director who holds a faculty appointment at an allopathic or osteopathic medical school and who is responsible for the overall direction of the project;

(b) Provide faculty to assist in the conduct of community-based educational programs and training activities;

(c) Be responsible for the quality of the community-based educational programs and training activities, and the evaluation of trainees;

(d) Provide for active participation of individuals who are associated with the administration of the medical school, and staff and faculty members of departments of family medicine, internal medicine, pediatrics, and obstetrics and gynecology; and

(e) Provide an annual evaluation of the project, including an assessment of the educational programs and the trainees.

Definitions: The following definitions are statutory.

''Border Health Education and Training Center'' means an entity that is a recipient of an award under section 746(f)(1) and that is carrying out (or will carry out) the purpose of the program as described under Eligibility and Purpose above.

''Community Health Center'' means an entity as defined in section 330(a) of the Act and in regulations at 42 CFR 51c.102(c).

''Health Education and Training Center'' or ''center'' means an entity that is the recipient of an HETC grant under section 746(f)(1).

''Migrant Health Center'' means an entity as defined in section 329 (a)(1) of the Act and in regulations at 42 CFR 56.102(g)(1).

''Service area'' means the geographic area designated for the center to carry out the HETC program, as designated by HRSA.

It is located entirely within the State in which the center is located.

''School of Medicine or Osteopathic Medicine'' means a school as described in section 799 and which is accredited as provided in section 799(E) of the Act.

''State'' means, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

In addition, the following definitions were established following public comment at 55 FR 31237, dated August 1, 1990

''Close proximity to the Border'' means a county, in a State, any portion of which lies within three hundred (300) miles of the Border between the United States and Mexico.

''Frontier area'' means those areas with a population density of less than seven individuals per square mile.

''Health professional'' means any physician, dentist, optometrist, podiatrist, pharmacist, nurse, nurse practitioner, nurse mid-wife, physician assistant or allied health personnel.

Review Criteria: The Health Resources and Services Administration will review applications taking into consideration the following criteria which were established following public comment at 55 FR 31237, dated August 1, 1990:

1. The potential effectiveness of the proposed project in carrying out the intent of section 746(f);

2. The extent to which the proposed project adequately provides for the project requirements;

3. The extent to which the proposed project explains and documents the need for the project in the geographic area to be served, including relevant socio-economic and cultural characteristics of the population to be served;

4. The administrative and management capability of the applicant to carry out the proposed project in a cost-effective manner;

5. The evaluative strategy to assess the project and the trainees in terms of effectiveness and proposed outcomes;

6. The extent of coordination of HETC training and education with similar activities in the areas involved; and

7. The potential of the proposed project to continue on a self-sustaining basis.

Statutory Funding Preference: In making awards for FY 1996, the Secretary shall make available 50 percent of the appropriated funds for approved applications for border health education and training centers in the State of Florida and (in the United States) along the border between the United States and Mexico. The remaining 50 percent shall be made available for approved applications for HETCs from non-border areas (both urban and rural). If funds remain available after all approved applications in one category are funded, the balance shall be utilized for approved applications in the other category. This addresses the statutory funding requirements while allowing maximum flexibility in the use of funds.

Established Funding Priorities: The following funding priorities were established following public comment at 58 FR 30066, dated May 25, 1993.

A funding priority will be given to:

1. Applicants which propose to implement HETC training programs for a minimum of 50 underrepresented minority trainees annually in Sites that Serve Medically Underserved. The term ''underrepresented minorities'' means, with respect to a health profession, racial and ethnic populations that are underrepresented in the health profession relative to the number of individuals who are members of the population involved. For this program, it means American Indians or Alaskan Natives, Blacks, Hispanics, and potentially, various subpopulations of Asian individuals.

2. Applicants which propose to implement a substantial public health training experience (of 4 to 8 weeks for a minimum of 25 trainees, annually) in one or more of the following training sites: (1) facilities operated by a State or local health department; (2) a Migrant Health Center designated under section 329 (a)(l) of the PHS Act; (3) a Community Health Center designated under section 330 (a) of the PHS Act; or (4) hospitals or other health care facilities of the Indian Health Service. If such training sites are unavailable in a proposed HETC service area, applicants may propose comparable public health training experiences (e.g., a 4 to 8 week community health project supervised by a rural preceptor). Trainees participating in activities described in Priorities Nos. 1 and 2 may include: students pursuing health professions education, medicine, nursing; students pursuing nurse practitioner, certified nurse midwifery, or physician assistant training; residents (in family medicine, general internal medicine, general pediatrics, or preventive medicine); community health worker trainees (indigenous to the area); dentists, nurses, physicians, or environmental health personnel pursuing a training program in Public Health.

3. Applicants which propose to have as part of the advisory group, as described in section 746(f)(4), a representative from a health department from the area being served.

Grant Funds: Grants are to assist in meeting the costs of the program which cannot be met from other sources. The following restrictions apply to all funding:

(a) not less than 75 percent of the total funds provided to a school or schools of allopathic or osteopathic medicine must be spent in the development and operation of the health education and training center in the service area of such program;

(b) to the maximum extent feasible, the grantee will obtain from non-Federal sources the amount of the total operating funds for the HETC program which are not provided by HRSA;

(c) no grant or contract shall provide funds solely for the planning or development of an HETC program for a period in excess of two years;

(d) not more than 10 percent of the annual budget of each program may be used for the renovation and equipping of clinical teaching sites; and

(e) no grant or contract shall provide funds to be used outside the United States except as HRSA may prescribe for travel and communications purposes related to the conduct of a border Health Education and Training Center.

Border Area Funding: Section 746(f) requires that certain criteria relative to the service area be considered by the Secretary in the establishment of a formula for allocating funds for each approved application for a border health education and training center. Specifically, these criteria are:

1. the low-income population, including Hispanic individuals, and the growth rate of such population in the State of Florida and along the border between the United States and Mexico;

2. the need of the low-income population referenced in Item 1 above for additional personnel to provide health care services along such border and in the State of Florida; and

3. the most current information concerning mortality and morbidity and other indicators of health status for such population.

Formula for Allocating Border Area Funds: Considering the criteria in the statute, the following formula, which was established following public comment at 55 FR 31237, dated August 1, 1990, will be used for allocating Border Area funds in FY 1996, to be applied to each of the counties included in the service area of the center on behalf of which the application is made:

$$P \times (1 + C) \times N \times I \times 100{,}000 = F$$

Where:

(P) = Low-income population in the county

(C) = Percent change of population in the county

(N) = Need for primary care physicians in the county

(I) = Infant mortality rate in the county

(F) = Factor for each county in close proximity to the border, and each county in the State of Florida

For this program (HETC), project support recommended for future years will be subject to enabling legislation, appropriations, satisfactory progress, adjustment (up or down) based upon changes in data utilized in the above formula, and any changes in the scope of the project, as approved.

Formula Definitions and Data Sources:

(P) ''Low-income population'': The population in the county classified by the United States Bureau of the Census as having an average income at or below 125 percent of the poverty level.

Data Source: U.S. 1990 Census Population, U. S. Department of Commerce, Bureau of the Census

(C) ''Percent change of population'': The number of births minus the number of all deaths, plus or minus net migration in the county, divided by the 1990 county population.

Data Source: County and City Data Book, 1990, U.S. Department of Commerce, Bureau of the Census.

(N) ''Need for primary care physicians'': The ratio derived by

computing the number of primary care physicians per 100,000 population in all 236 counties in close proximity to the border, and all 67 counties in the State of Florida, divided by the ratio of primary care physicians to 100,000 population in the county.

Data Source: Area Resource File (ARF) System, U.S. Department of Health and Human Services (Year: most recent ARF data available annually)

(I) ''Infant mortality rate'': The 5-year infant mortality rate for the county, divided by the average of the 5-year infant mortality rate in all 236 counties in close proximity to the border and all 67 counties in the State of Florida.

Data Source: Area Resource File (ARF) System, U.S. Department of Health and Human Services (most recent data available: annually)

(F) ''Factor for each county'': A factor for each of the 236 counties in close proximity to the border and each of the 67 counties in the State of Florida is calculated from the formula. The factor will be recalculated each year to reflect most recent data available. The calculated factor of each county is aggregated for a multi-county service area.

For the purposes of allocating border area funds, the 236 counties in close proximity (within 300 miles) of the border between the United States and Mexico are located in the four States contiguous to the border: Arizona, California, New Mexico, and Texas. All 67 counties located in the State of Florida are also included.

Considerations for Designating Geographic Service Areas: The following considerations will be used in designating geographic service areas:

1. Low-income population for the specific county(ies) in the service areas;
2. Percent change in low-income population for the specific county(ies);
3. Ratio of primary care physicians per 100,000 population for the specific county(ies); and
4. Infant mortality rate for the specific county(ies) in the service area.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS led national activity for setting priority areas. The Cooperative Agreements for the Basic/Core AHEC Programs and the Model State-Supported Area Health Education Center Programs and the Grants for Health Education and Training Centers are related to the priority area of *Educational and Community-Based Programs.* Potential applicants may obtain a copy of *Healthy People 2000* (Full Report; Stock No. 017–001–00474–0) or *Healthy People 2000* (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone 202–783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service education programs and programs which provide comprehensive primary care services to the underserved.

Smoke-Free Workplace

The Public Health Service strongly encourages all grant and cooperative agreement recipients to provide a smoke-free workplace and promote the non-use of all tobacco products and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Application Availability

Application materials are available on the World Wide Web at address: http://www.os.dhhs.gov/hrsa/. Click on the file name you want to download to your computer. It will be saved as a self-extracting WordPerfect 5.1 file. Once the file is downloaded to the applicant's PC, it will still be in a compressed state. To decompress the file, go to the directory where the file has been downloaded and type in the file name followed by a <return>. The file will expand into a WordPerfect 5.1 file. Applicants are strongly encouraged to obtain application materials from the World Wide Web via the Internet.

However, for applicants which do not have Internet capability, application materials are also available on the BHPr BBS. Use your computer and modem to call (301) 443–5913. Set your modem parameters to 2400 baud, parity to none, data bits to 8, and stop bits to 1. Set your terminal emulation to ANSI or VT–100.

Once you have accessed the BHPr Bulletin Board, you will be asked for your first and last name. It will also ask you to choose a password. *REMEMBER YOUR PASSWORD!* The first time you logon you ''register'' by answering a number of other questions. The next time you logon, BHPr's Bulletin Board will know you.

Press (F) for the (F)iles Menu and (L) to (L)ist Files. Press (L) again to see a list of numbered file areas. To see a list of files in any area, type the number corresponding to that area. Competitive application materials for grant programs administered by the Bureau of Health Professions are located in the File Area item ''B'' titled Grants Announcements.

To (R)ead a file or (D)ownload a file, you need to know its exact name as listed on BHPr's Bulletin Board. Press (R) to (R)ead a file and type the name of the file. Press (D) to (D)ownload a file to your computer. You need to know how your communications software accomplishes downloading.

When you have completed your tour of BHPr's Bulletin Board for this session, press (G) for (G)oodbye and press <enter>.

If you have difficulty accessing the BHPr BBS, please try the Internet address listed above. If you do not have Internet capability and need assistance in accessing the BHPr BBS or technical assistance with any aspect of the BHPr BBS, please call Mr. Larry DiGiulio, Systems Operator for BHPr BBS at (301) 443–2850 or ''ldigiuli@hrsa.ssw.dhhs.gov''.

Questions regarding grants policy and business management issues should be directed to Ms. Wilma Johnson, Acting Chief, Centers and Formula Grants Section (wjohnson@hrsa.ssw.dhhs.gov), Grants Management Branch, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857. If you are unable to obtain the application materials from the BHPr Bulletin Board, you may obtain application materials in the mail by sending a written request to the Grants Management Branch at the address above. Written requests may also be sent via FAX (301) 443–6343 or via the internet address listed above. Completed applications should be returned to the Grants Management Branch at the above address.

If additional programmatic information is needed, please contact Louis D. Coccodrilli, M.P.H., Acting Chief, AHEC and Special Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8A–25, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–6950, FAX: (301) 443–8890.

Paperwork Reduction Act

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for these grant

programs have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB Clearance Number is 0915–0060.

Deadline Date

The deadline date for receipt of applications for each of these programs is March 15, 1996. Applications will be considered to be ''on time'' if they are either:

(1) *Received on or before* the established deadline date, or

(2) *Sent on or before* the established deadline date and received in time for orderly processing. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications not accepted for processing will be returned to the applicant. In addition, applications which exceed the page limitation and/or do not follow format instructions will not be accepted for processing and will be returned to the applicant.

TABLE 1

PHS section #, title, CFDA #, regulation	Type of assistance	Period of support	Deadline date
746(a)(1), Basic/Core AHEC, 93.824, 42 CFR part 57 subpart MM	Cooperative Agreement	3 years	3/15/96
746(a)(3), State Supported Model AHEC, 93.107	Cooperative Agreement	3 years	3/15/96
746(f) HETC 93.189	Grant	3 years	3/15/96

These programs are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100) or the Public Health System Reporting Requirements.

Dated: January 11, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–641 Filed 1–19–96; 8:45 am]

BILLING CODE 4160–15–P

Funding Notice for Grant Programs Funded Under Title VII of the Public Health Service Act for Fiscal Year 1996; Notice of Extension of Application Due Date

This notice extends the application due date for fiscal year (FY) 1996 for three grant programs:

Grants for Centers of Excellence (COE) in Minority Health Professions Education (section 739, PHS Act)

Grants for Health Careers Opportunity Program (HCOP) (section 740, PHS Act)

Grants for the Minority Faculty Fellowship Program (MFFP) (section 738(b), PHS Act)

The application due date is extended to February 23, 1996 for the three programs. All applications must be received in the Parklawn Building by close of business on February 23, 1996. This change is necessary because of difficulties experienced with electronically accessing the program materials and the unavailability of technical assistance during the period of government shutdown. All other aspects of the December 4, 1995 Federal Register Notice (60 FR 62098) remain the same.

Dated: January 16, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–643 Filed 1–19–96; 8:45 am]

BILLING CODE 4160–15–M

Statement of Organization, Functions and Delegations of Authority

Part HB (Health Resources and Services Administration) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (47 FR 38409–24, August 31, 1982, as amended most recently at changes 60 FR 58370, Nov. 27, 1995). The changes are to establish an Office of Field Coordination within the Office of Operations and Management (HBA4); and to establish HRSA Field Offices. The changes are as follows:

I. Under Part HB, Health Resources and Services Administration. Section HB–20, Functions, ''Office of Operations and Management (HBA4)'' do the following:

A. Delete the ''Office of Operations and Management (HBA4)'' in its entirety and replace the following:

Office of Operations and Management (HBA4)—Under the direction of the Associate Administrator who is a member of the Administrator's immediate staff: (1) Provides Agency-wide leadership, program direction, and coordination to all phases of management; (2) provides management expertise and staff advice and support to the Administrator in program and policy formulation and execution; (3) plans, directs, and coordinates the Agency's activities in the areas of administrative management, financial management, personnel management, debt management, manpower management, grants and contracts management, procurement, real and personal property accountability and management, and administrative services; (4) coordinates the implementation of the Freedom of Information Act for the Agency; (5) oversees the development of annual operating objectives and coordinates HRSA work planning and appraisals; (6) directs the Equal Employ Opportunity activities for the Office of the Administrator; and (7) oversees the HRSA field activities.

B. Establish the Office of Field Coordination (HBA45), by inserting the following statement before the Division of Grants and Procurement Management (HBA46):

Office of Field Coordination (HBA45)—The Office of Field Coordination serves as the Agency's focal point for Field programs and activities. Specifically: (1) Oversees and manages HRSA activities in the field; (2) advises the Administrator on appropriate resource allocation for field activities; (3) at the direction of the Administrator, assists in the implementation and evaluation of HRSA programs in the field through coordination of activities, and assessing the effectiveness of programs to identify opportunities for improving policies and service delivery systems; (4) develops and implements activities in the field designed to improve customer service and relationships; (5) at the direction of the Administrator, develops and coordinates the field implementation of special program initiatives which involve multiple HRSA field components and/or multiple HRSA programs; (6) serves as field liaison to the Administrator, Bureau Directors, State and local health officials as well as private and professional organizations; (7) acts as liaison to provide administrative and financial

support services to HRSA field components; (8) provides technical assistance to the Agency's Field Council; and (9) exercises line management authority as delegated from the Administrator for the Field Coordinators related to general administrative and management functions. The facilities and construction engineering activities will operate in the Bureau of Health Resources and Development.

II. Under Part HB, Health Resources and Services Administration, establish a new chapter ''HRSA Field Offices (HBD),'' to read as follows:

Section HBD–00 Mission—The HRSA Field Offices. The HRSA Field Offices support the Department's mission of improving the health of the Nation's population by administering HRSA filed health programs and activities to assure a coordinated field effort in support of national health policies and State and local needs within each region including: Assessing regional health requirements, assuring integration of HRSA health programs, and addressing cross-cutting program issues and initiatives to achieve program goals; providing a HRSA focal point for responding to the needs of State and local governments, community agencies, and others involved in the planning or provision of general health; supporting intergovernmental activities and responding to health issues of State and local concerns; administering health activities and programs to provide for prevention of health problems, and assuring access to and quality of general health services.

Section HBD–10. Organization. The Health Resources and Services Administration Field Offices consist of:

- HRSA Field Offices (HBD1–HBDX).

Section HBD–20. Functions. The Field Coordinator, located in the Field Office and reports to the Director, Office of Field Coordination, and serves as the field representative of the Administrator, HRSA. The Field Coordinator carries out the following responsibilities. Specifically: (1) serves as HRSA's senior public health official in the field, providing liaison with State and local health officials as well as private and professional organizations; (2) provides input from regional, State and local perspectives to assist the Administrator and/or Bureau Director in the formulation, development, analysis and evaluation of HRSA programs and initiatives; (3) at the direction of the Administrator and/or in conjunction with the Bureau Directors and the Director, Office of Field Coordination, coordinates the field implementation of special initiatives which involve multiple HRSA programs and/or field offices (e.g. Border Health); (4) assists with the implementation of HRSA programs in the field by supporting the coordination of activities, alerting program officials of potential issues, and assessing policies and service delivery systems; (5) represents the Administrator in working with the other Federal agencies in coordinating health programs and activities; and (6) exercises line management authority as delegated from the Administrator for general administrative and management functions within the field structure, exclusive of specific direction for statutory program authorities.

Section HBD–30 Delegations of Authority. All delegations and redelegations of authority which were in effect immediately prior to the effective date hereof, have been continued in effect in them or their successors pending further redelegation.

This reorganization is effective upon date of signature.

Dated: January 5, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–692 Filed 1–19–96; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: NCRR Initial Review Group—General Clinical Research Centers Review Committee.

Dates of Meeting: February 7–9, 1996.

Time: 8:00 a.m.—until adjournment.

Place of Meeting: Holiday Inn, Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Scientific Review Administration: Dr. Richard L. Nahin, National Institutes of Health, 1 Rockledge Center, Room 6116, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892–7965, Telephone: (301) 435–0809.

Purpose Agenda: To review and evaluate grant applications. The meeting will be closed in accordance with the provisions set forth in sections 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 No. 93.333 Clinical Research, National Institutes of Health, HHS)

Dated: December 18, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–680 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting of the National Heart, Lung, and Blood Advisory Council

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, February 15–16, 1996, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20892.

The Council meeting will be open to the public on February 15 from 8:30 a.m. to approximately 3:30 p.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. section 10(d) of Public Law 92–463, the Council meeting will be closed to the public from approximately 3:30 p.m. to recess on February 15 and from 8:30 a.m. to adjournment on February 16 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meetings and a roster of the Council members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dr. Ronald G. Geller, Executive Secretary, National Heart, Lung, and Blood Advisory Council, Rockledge Building (RKL2), Room 7100, National Institutes of Health, Bethesda, Maryland 20892, (301) 435–0261, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular

Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: December 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–683 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Special Emphasis Panel (SEP) meetings:

Name of SEP: Review of Research Training Applications.

Date: February 25–27, 1996.

Time: 7:30 p.m.

Place: Hyatt Regency, Bethesda, Maryland.

Contact Person: C. James Scheirer, Ph.D., Rockledge II, Room 7220, 6701 Rockledge Drive, Bethesda, Maryland 20892–7924, (301) 435–0266.

Purpose/Agenda: To review and evaluate grant applications.

Name of SEP: Dietary Effects on Lipoproteins and Thrombogenic Activity (DELTA).

Date: February 29, 1996.

Time: 8:30 a.m.

Place: Hyatt Regency, Bethesda, Maryland.

Contact Person: Joyce A. Hunter, Ph.D., Rockledge II, Room 7180, 6701 Rockledge Drive, Bethesda, Maryland 20892–7924, (301) 435–0287.

Purpose/Agenda: To review and evaluate grant applications.

These meetings will be closed in accordance with the provisions set forth in sections 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 Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: January 11, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–686 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting of the Sickle Cell Disease Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, February 23, 1996. The meeting will be held at the National Institutes of Health, Two Rockledge Center, Conference Room 9A1–A2, 6701 Rockledge Drive, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dr. Clarice D. Reid, Executive Secretary, Sickle Cell Disease Advisory Committee, Division of Blood Diseases and Resources, NHLBI, Two Rockledge Center, Suite 10160, 6701 Rockledge Drive, Bethesda, Maryland 20892, (301) 435–0080, will furnish substantive program information, a summary of the meeting, and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 93–839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: January 11, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–687 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

This meeting will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

Name of Panel: Mental Stress and Myocardial Ischemia.

Dates of Meeting: January 31, 1996.

Time of Meeting: 8:00 a.m.

Place of Meeting: National Institutes of Health, Two Rockledge Center, Room 7111, 6701 Rockledge Drive, Bethesda, Maryland 20892.

Agenda: To review the status of research and identify research needs on relationships between mental stress and myocardial ischemia.

Contact Person: Peter Kaufmann, Ph.D., Rockledge II Building, Rm. 8118, 6701 Rockledge Drive, Bethesda, Maryland 20892, (301) 435–0404.

This notice is being published less than fifteen days prior to the meeting due to the partial shutdown of the Federal Government.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: January 11, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–688 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Notice of Meeting: Microbiology and Infectious Diseases Research Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Research Committee, National Institute of Allergy and Infectious Diseases, on February 15–16, 1996, at the Holiday Inn Gaithersburg, Room 229, 2 Montgomery Village Avenue, Bethesda, Maryland.

The meeting will be open to the public from 8 a.m. to 9 a.m. on February 15, to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 9 a.m. until recess on February 15, and from 8 a.m. until adjournment on February 16. These applications, proposals and the discussions could reveal confidential trade secrets of commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Claudia Goad, Committee Management Officer, National Institute

of Allergy and Infectious Diseases, Solar Building, Room 3C26, National Institutes of Health, Bethesda, Maryland, 301–496–7601, will provide a summary of the meeting and a roster of committee members upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Goad in advance of the meeting.

Dr. Gary Madonna, Scientific Review Administrator, Microbiology and Infectious Diseases Research Committee, NIAID, NIH, Solar Building, Room 4C21, Rockville, Maryland 20892, telephone 301–496–3528, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: December 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–685 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of Meeting of National Advisory Environmental Health Sciences Council

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, February 5–6, 1996, Building 101 Conference Room, South Campus, Research Triangle Park, North Carolina.

This meeting will be open to the public on February 5 from 9 a.m. to approximately 3:30 p.m. for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on February 5 from approximately 3:30 p.m. to recess and from 9 a.m. to adjournment on February 6, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Kim Whitcher, Council Secretary, NIEHS, P.O. Box 12233, Research Triangle Park, NC, 27709 (919–541–7723), will provide summaries of the meeting and rosters of council members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Whitcher in advance of the meeting.

Dr. Anne Sassaman, Director & Executive Secretary, Division of Extramural Research and Training, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos 93.113, Biological Response to Environmental Agents; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Resource and Manpower Development, National Institutes of Health)

Dated: December 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–684 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health (NIH)

National Institute on Aging; Notice of Meeting of the Advisory Panel on Alzheimer's Disease

Pursuant to Public Law 92–463, notice is hereby given of the Advisory Panel on Alzheimer's Disease meeting to be held at the National Institutes of Health, Building 31C, Room 2C15, Bethesda, Maryland, from 2:00 p.m. to 5:00 p.m. on February 26, 1996, and again on February 27, 1996, from 9:30 a.m. to 4:00 p.m.

The meeting will be open to the public for discussion of draft material for the Panel's annual report and other business before the Panel. Attendance by the public will be limited to space available.

Ms. June McCann, Committee Management Officer for the National Institute on Aging, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Suite 2C218, Bethesda, Maryland 20892 (301/496–9322), will provide a summary of the meeting and a roster of committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. McCann at (301) 496–9322, in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: December 14, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–681 Filed 1–19–96; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

National Advisory Council, et al.; Meeting

ACTION: Cancellation of meetings.

SUMMARY: Public notice was given in the Federal Register on December 8, 1995 (Vol. 60, No. 236, pages 63047–63048) that the Substance Abuse and Mental Health Services Administration (SAMHSA) National Advisory Council meeting would be held on January 22, 1996.

Public notice was also given in the Federal Register on December 12, 1995 (Vol. 60, No. 238, pages 63722–63723) that the SAMHSA Advisory Committee for Women's Services would have a meeting on January 8, 1996.

Both meetings have been cancelled due to the lack of an appropriation with resulting furlough and the subsequent Government shutdown due to a blizzard.

Dated: January 16, 1996.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 96–640 Filed 1–19–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–1020–001]

Mojave-Southern Great Basin Resource Advisory Council—Notice of meeting locations and times

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council meeting locations and times.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), council meeting of the Mojave-Southern Great Basin Resource Advisory Council will be held as indicated below. The

agenda includes a discussion of laws and regulations that pertain to grazing, and a statewide update of standards and guidelines.

All meetings are open to the public. The public may present written comments to the council. Each formal council meeting will have a time allocated for hearing public comments. The public comment period for the council meeting is listed below. Depending on the number of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Michael Dwyer at the Las Vegas District Office, 4765 Vegas Dr., Las Vegas, NV 89108, telephone, (702) 647–5000.

DATES, TIMES: Dates are February 14 and 15, 1996. The council will meet at the BLM Las Vegas District Office located at 4765 Vegas Drive, Las Vegas, Nevada, at 8:30 a.m. until approximately 4 p.m. The public comment period will be on February 15, at 3 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the public lands.

FOR FURTHER INFORMATION CONTACT: Lorraine Buck, Public Affairs Specialist, Las Vegas District, telephone: (702) 647–5000.

Dated: January 12, 1996.

Michael F. Dwyer,

District Manager.

[FR Doc. 96–771 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–HC–M

[OR–957–00–1420–00: G6–0049]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 40 S., R. 4 E., accepted November 2, 1995
T. 12 S., R. 27 E., accepted December 4, 1995
T. 25 S., R. 2 W., accepted November 1, 1995
T. 22 S., R. 8 W., accepted October 23, 1995
T. 31 S., R. 9 W., accepted November 27, 1995
T. 27 S., R. 11 W., accepted December 13, 1995
T. 35 S., R. 14 W., accepted November 9, 1995

Washington

T. 9 N., R. 13 E., accepted December 1, 1995

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue,) P.O. Box 2965, Portland, Oregon 97208.

Dated: January 10, 1996.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 96–653 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–33–M

National Park Service

Off-Road Vehicle Management Plan

AGENCY: Big Cypress National Preserve, Florida, National Park Service, Interior.

ACTION: Notice of Preparation of an Off-Road Vehicle Management Plan.

SUMMARY: In accordance with the General Management Plan/Environmental Impact Statement (1992) for Big Cypress National Preserve (BICY), the National Park Service is preparing an Off-Road Vehicle Management Plan for the Preserve. The National Park Service has entered into a Cooperative Agreement (#4000–3–2013, Supplement 7) with Virginia Polytechnic Institute and State University for the preparation of the plan.

ADDRESSES:

Superintendent, Big Cypress National Preserve, Star Route, Box 110, Ochopee, Florida 33943, Telephone (941) 695–2000 (ext. 10)

Dr. Jeff Marion, Virginia Polytechnic Institute and State University, Department of Forestry, Blacksburg, Virginia 24061–0324, Telephone (540) 231–6603

FOR FURTHER INFORMATION CONTACT: Copies of the Cooperative Agreement and the Plan Proposal are available for review at the locations listed under **ADDRESSES**. All interested members of the public may participate on an equal footing in plan development. Comments, suggestions and questions from the public may be submitted to the Superintendent listed under **ADDRESSES**.

SUPPLEMENTARY INFORMATION: The plan is expected to address the following elements:

a. Current ORV policies and practices within BICY as a whole and for each management unit within BICY;

b. Methods of limiting and controlling ORV use to minimize impacts to BICY resources, includes soil, hydrology, vegetation, recreational resources, and wildlife, including threatened and endangered species;

c. Methods of avoiding adverse impacts to wetlands and sensitive resources from ORVs, and alternative methods of minimizing unavoidable adverse impacts, to the maximum extent practicable, in a manner which will assure the natural and ecological integrity of BICY resources in accordance with the BICY Establishment Act (Pub. L. 93–440, 1974 and as amended by Public Law 100–301, 1988);

d. Best management practices (''BMPs'') designed to avoid and/or minimize impacts from ORV use on BICY's resources, including soil, hydrology, vegetation and wildlife, in a manner which will assure the natural and ecological integrity of BICY resources in accordance with the BICY Establishment Act;

e. Criteria for the development of a comprehensive designated trail system and/or use areas for ensuring the natural and ecological integrity of BICY resources in accordance with the provisions of the BICY Establishment Act;

f. Management practices for particular vehicle types in order to avoid and/or

minimize impacts to BICY's resources, including soil, hydrology, vegetation and wildlife;

g. Methods of monitoring impacts of ORV use in BICY and mechanisms for taking remedial action based on the results of such monitoring efforts. Methods of monitoring impacts may include, among other things, the use of control areas as a baseline;

h. Procedures and considerations (including but not limited to ecological and recreational factors) for closing, opening and reopening areas and closing, relocating, opening and reopening trails to ORV use.

Dated: December 15, 1995.

Jerry Belson,

Field Director, Southeast Area.

[FR Doc. 96–733 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–70–M

Cape Cod National Seashore, South Wellfleet, Massachusetts, Cape Cod National Seashore Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, January 26, 1996.

The Commission was reestablished pursuant to Public Law 99–349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. at Park Headquarters, Marconi Station for their regular business meeting which will be held for the following reasons:

1. Adoption of Agenda
2 Approval of Minutes of Previous Meeting(s)—9/22/95, 11/08/95
3. Reports of Officers
4. Old Business
5. Report of Superintendent
   Negotiated Rulemaking
   Hatches Harbor—Airport
   Race Point Road
   Cranberry Bog
   Lighthouse(s) update
   GMP Draft
   Landswap—Provincetown
6. Dune Shack Policy—R. Philbrick
7. Use & Occupancy Subcommittee—W. Hammatt
8. Wildland Fire Research at Cape Cod
9. New Business
   Proposed Park Closure Commission
10. Date for next meeting
11. Agenda for next meeting
12. Public comment
13. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, So. Wellfleet, MA 02663.

Dated: December 15, 1995.

Chrysandra L. Walter,

Deputy Field Director, Northeast Field Area.

[FR Doc. 96–732 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–70–P

Subsistence Resource Commission Meeting

ACTION: Notice.

SUMMARY: The Superintendent of Lake Clark National Park and the Chairperson of the Subsistence Resource Commission for Lake Clark National Park announce a forthcoming meeting of the Lake Clark National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Chairman's welcome.
(2) Introduction of Commission members and guests.
(3) Review agenda.
(4) Approval of minutes of last meeting.
(5) Old business:
   —Update of Roster Regulation.
(6) New business:
   —Election of Chairperson.
   —Discussion of Commission appointments.
   —Discussion of 1996–97 proposals to change federal subsistence regulations.
(7) Agency comments and public comments.
(8) Determine time and date of next meeting.
(9) Adjournment.

DATES: The meeting will be held Wednesday, January 24, 1996. The meeting will begin at 10:00 a.m. and end that afternoon. In accordance with 41 CFR 101–6.1015(b), we are providing less than 15 days notice in the Federal Register because of the following exceptional circumstances:

a. Closure of the Department of Interior (and other parts of the federal government) from December 16 through January 6.

b. The need to convene the Commission prior to the Bristol Bay Regional Council meeting (January 30).

LOCATION: The meeting will be held at the Newhalen City Hall, Newhalen, Alaska.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fowler, Acting Superintendent, Lake Clark National Park and Preserve, 4230 University Dr. #311, Anchorage, Alaska 99508. Phone (907) 271–3751.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Paul R. Anderson,

Acting Field Director.

[FR Doc. 96–734 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–70–M

Small Miner Waiver From Annual Maintenance Fees on Unpatented Claims in National Park System Units

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of interface between National Park Service and Bureau of Land Management requirements for small miner waiver.

SUMMARY: In the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66, 107 Stat. 407) (''the Act''), Congress requires holders of unpatented claims on Federal lands to pay an annual maintenance fee for each mining claim, mill site, and tunnel site that has been located and held under the general mining laws, through September 1, 1999. Payment of the maintenance fee by August 31 each year keeps each claim in good standing until noon of September 1 of the following year. It replaces the requirement in the Mining Law of 1872 of performing $100 of annual assessment work per claim or site.

The Bureau of Land Management (BLM) implemented the Act by promulgating regulations at 43 CFR Subpart 3833 (59 FR 44857 (August 30, 1994)). The BLM regulations, among other functions, establish the procedures for paying and administering the annual maintenance fee, and the procedures that enable claimants to obtain a small miner

waiver from payment of the annual maintenance fee. The BLM regulations also implement the Act's provision that failure to pay the annual maintenance fee by each August 31, or, in the alternative, to comply with the steps necessary to waive the maintenance fee, will result in forfeiture of the mining claim, mill site, or tunnel site. The BLM regulations must be carefully followed to waive the annual maintenance fee.

Claimants who wish to obtain a small miner waiver from the maintenance fee and who hold mining claims, mill sites, or tunnel sites in units of the National Park System must additionally comply with National Park Service (NPS) regulations at 36 CFR Part 9, Subpart A.

The purpose of this Notice is to assist claimants who seek a small miner waiver from the annual maintenance fee for unpatented claims, mill sites, or tunnel sites located in a unit of the National Park System, by explaining the interface between the relevant BLM and NPS regulations. This Notice does not explain all BLM requirements pertaining to the small miner waiver. An explanation of the BLM requirements may be found at 43 CFR Subpart 3833 (59 FR 44857 (August 30, 1994)). This Notice also does not address other available types of waivers from the annual maintenance fee.

FOR FURTHER INFORMATION CONTACT: Questions about this Notice should be directed to Roger Haskins at the Bureau of Land Management, (202) 452–0355, or Carol McCoy at the National Park Service, (303) 969–2096.

SUPPLEMENTARY INFORMATION: Pursuant to the Omnibus Budget Reconciliation Act of 1993 and implementing regulations at 43 CFR 3833.1–5, every holder of an unpatented mining claim, mill site, or tunnel site must pay a maintenance fee for each claim, mill site, or tunnel site to the proper BLM State office. This maintenance fee is currently set at $100. The maintenance fee must be paid on or before August 31 each year to keep each claim, mill site, or tunnel site in good standing until noon of September 1 of the following year. The Act is in effect until September 1, 1999, unless otherwise extended by Act of Congress.

As directed by the Act, BLM defines a small miner as one who, as of each August 31, holds a total of ten (10) or fewer mining claims, mill sites, or tunnel sites on Federal lands. Small miners may waive the $100 annual maintenance fee by performing $100 of assessment work on each mining claim and by filing a waiver certification and an affidavit of labor with the proper BLM State office. The assessment work must be completed and the waiver certification must be filed for each claim, mill site, or tunnel site on or before August 31, in order to qualify for the waiver and to keep each claim, mill site, or tunnel site in good standing until noon of September 1 of the following year. The affidavit of labor must be filed with the proper BLM State office on or before each December 30.

Claimants with unpatented mining claims, mill sites, or tunnel sites in park units who seek to waive the maintenance fee must also comply with NPS regulations at 36 CFR Part 9, Subpart A. Under the NPS regulations, no surface-disturbing activities associated with a mining claim inside a park unit may occur without a claimant or a claimant's operator first submitting and obtaining NPS approval of a plan of operations. However, no plan of operations will be accepted for assessment work only (see 36 CFR 9.7(b)(2)). A plan of operations basically serves as an operator's intended blueprint for extracting and transporting minerals from a claim. By becoming informed of intended mineral development before such development commences, the NPS can require the claimant or operator to undertake mitigation measures necessary to assure the protection of National Park resources and values. Authority for the NPS regulations stems from the NPS Organic Act of 1916, as amended, and the Mining in the Parks Act of 1976. The requirements for a plan of operations, and an explanation of how a plan of operations fits into the BLM waiver procedures, are described below.

Procedures

I. Submit Plan of Operations to NPS for Mineral Development Activities

Before becoming eligible for a small miner waiver from the annual maintenance fee in a park unit, a person or entity seeking the waiver must first submit and obtain NPS approval of a complete plan of operations. The completeness determination of a plan of operations rests with the NPS, not with the claimant or operator. To be considered complete, a plan of operations must contain the elements described in 36 CFR 9.9. Such elements include specific descriptions of the intended mineral development work, likely environmental effects, routes of access to and from the claim, equipment to be used, a timetable of work, reclamation, and other aspects of the intended work. Advance approval of the plan of operations is vital to the NPS's ability to carry out its mission to preserve units of the National Park System for current and future generations.

To reduce unnecessary surface disturbance in park units, § 9.7(b)(2) of the NPS regulations precludes the NPS from accepting or approving plans of operations for activities in park units that are conducted solely for the purpose of fulfilling BLM's requirement of $100 of annual assessment work. For claimants seeking a small miner waiver, this means that their intended activity in a park unit must encompass more than the assessment work that BLM requires of claimants on public lands. To receive NPS approval, the activity in a park unit must further the ultimate commercial mineral development of the claim. Activities that are acceptable to NPS include delineation of the mineral deposit or commencement of commercial mineral development. Performing these or similar activities will fulfill NPS regulations and BLM's assessment work requirement.

II. Obtain Approval of Plan of Operations or a Deferment of Assessment

To be approvable, a complete plan of operations must meet the approval standards of 36 CFR 9.10. Approval by the NPS of a claimant's plan of operations may take more than 60 days. The reason is that NPS cannot approve a plan of operations without first determining the validity of the unpatented mining claims, mill sites, or tunnel sites included in the plan. The NPS is required by the California Desert Protection Act of 1994 (Pub. L. 103–433, 108 Stat. 4471, 16 U.S.C. 410aa) to verify the validity of claims in Mojave National Preserve. In all other units of the National Park System, the NPS performs validity examinations based on its interpretation of Congressional intent as set forth in the Mining in the Parks Act of 1976 (16 U.S.C. 1901 *et seq.*).

No mineral development work may occur on an unpatented mining claim, mill site, or tunnel site on park units until (1) The NPS determines that the plan of operations submitted by a small miner is complete, (2) the NPS determines that the claims, mill sites, or tunnel sites included in the plan of operations are valid, (3) the NPS approves the plan of operations, and (4) the claimant posts a reclamation bond with the NPS. Upon completion of these requirements, a claimant may proceed with the mineral development work. To qualify for the small miner waiver, BLM regulations require this work to be completed and a waiver certification to be filed with BLM on or before each August 31.

If claimants seeking a small miner waiver for the upcoming year will not be able to conduct the mineral development work and file the waiver certification prior to August 31 because of the NPS's need to conduct a validity examination, such claimants may apply to BLM for a deferment of assessment work. As part of the application, claimants must present a letter to the BLM from the NPS as a testament to their having submitted to NPS a complete plan of operations before August 31. Specifically, the letter from the NPS must state the following: (1) the NPS finds the claimant's plan of operations complete, (2) the NPS cannot act on the plan until the NPS conducts a validity examination of the claim, and (3) the NPS anticipates completing the validity examination after August 31.

The decision of whether to grant a deferment of assessment work rests with the BLM, not the NPS. Claimants wishing to obtain more information regarding the application requirements for a deferment and criteria for granting deferments should contact the proper BLM State office.

III. Avoid Doubt by Paying the Maintenance Fee

NPS urges all claimants who hold mining claims, mill sites, or tunnel sites on National Park System lands and who wish to apply for the small miner waiver from the annual maintenance fee to carefully review and thoroughly comply with the BLM and NPS regulations explained in this Notice and contained in the CFR cites listed in this Notice. Claimants interested in waiving the fee are urged to begin the process early by reviewing the NPS requirements for a plan of operations and submitting a complete plan of operations to the appropriate NPS park superintendent as soon as possible.

Claimants who have any doubts that BLM will consider them eligible for the small miner waiver, or who, for any reason, are unable to complete the steps described in this Notice or in the BLM regulations on or before each August 31, are advised to pay the annual maintenance fee for each mining claim, mill site, or tunnel site. Otherwise, such claimants risk forfeiting the mining claims, mill sites, or tunnel sites.

Dated: December 12, 1995.

John Reynolds,

Acting Director, National Park Service.

[FR Doc. 96–731 Filed 1–19–96; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

SES Performance Review Board

AGENCY: United States Agency for International Development.

ACTION: Notice of Membership Roster for the Agency's Senior Executive Service (SES) Performance Review Board (PRB).

SUMMARY: This notice lists approved candidates who will comprise a standing roster for service on the Agency's SES Performance Review Board. The Agency will use this roster to select a Performance Review Board chairperson, SES and SFS board members, and a public member for the convening SES Performance Review Board each year. The standing roster is as follows:

To serve as chairperson or as a SES member:
- Peter Kimm
- James Painter
- Barbara Turner
- Caroline McGraw
- Leonard Rogers

To serve as SES members:
- Robert Lester
- Lois Hartman
- Michael Kitay
- Thomas Huggard
- Joan Dudik-Gayoso
- Arnold Haiman
- Nan D. Borton
- David Hales

To serve as SFS members:
- Janet Ballantyne
- Walter Bollinger
- Carol Peasley
- Sidney Chernenkoff
- Kathleen Hansen
- Dawn Liberi
- Eric R. Zallman

To serve as a public member:
- Lenora Alexander
- Amy Billingsley
- Robert Halligan
- Lula Dawson
- Ruth Camacho
- Electra Beahler
- J. Merle Schulman

FOR FURTHER INFORMATION CONTACT: R. Darlene DeWitt or Melissa McCoy at (703) 302–4151 or 302–4154 respectively.

Dated: January 16, 1996.

Shirley D. Renrick,

Executive Secretary, SES Performance Review Board.

[FR Doc. 96–633 Filed 1–19–96; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Advisory Council on Violence Against Women

AGENCY: United States Department of Justice and United States Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: The Council on Violence Against Women will meet on January 25, 1996, in the Great Hall, at the United States Department of Justice, 10th and Constitution Avenues, NW., Washington, DC. The meeting is currently scheduled to begin at 9:30 a.m. and to end at 4:30 p.m. The agenda consists of committee reports and discussions by the seven working groups. These working groups are divided according to area of expertise and interest and include: Media and Entertainment; Colleges and Universities; Workplace; Religious Community; Sports Industry; Health Professionals; and Law Enforcement.

The meeting will be open to the public on a space-available basis, but reservations are required. A photo ID will be requested for admittance. See contact below to reserve a space and to advise of any special needs. Sign language interpreters will be provided. Anyone wishing to submit written questions to this session should notify the Designated Federal Employee by Tuesday, January 23, 1996. The notification may be done by mail, telegram, facsimile, or a hand delivered note. It should contain the requestor's name; corporate designation, consumer affiliation, or Government designation; along with a short statement describing the topic to be addressed. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to the Office of the Secretary, United States Department of Health and Human Services, Room 615F, 200 Indiana Avenue, SW., Washington, DC 20201, telephone (202) 690–8157, facsimile (202) 690–7595.

Bonnie J. Campbell,

Director, Violence Against Women Office, United States Department of Justice.

[FR Doc. 96–721 Filed 1–19–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Consent Decree in Comprehensive Environmental Response, Compensation and Liability Action

In accordance with the Departmental Policy, 28 C.F.R. 50.7, notice is hereby given that five Consent Decrees in

United States v. *Ralph Riehl, et al.*, Civil Action No. 89–226(E), were lodged with the United States District Court for the Western District of Pennsylvania on December 15, 1995.

On October 16, 1989, the United States filed a complaint against the owners and operator of, and certain transporters to, the Millcreek Dump Superfund Site (the ''Site''), pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9607(a). In September 1991, the United States added additional defendants to the action, including most of the defendants included in the five proposed Consent Decrees. The five proposed Consent Decrees resolve the liability of: (1) American Sterilizer Co., Casting Services, Erie Bronze & Aluminum Co., National Forge Co., Pennsylvania Electric Co., Times Publishing Co., Emerson Electric Co., Waste Management of Pennsylvania, and Zurn Industries; (2) Bucyrus-Erie Co.; (3) Ethyl Corp., Hammermill Paper, Parker White Metal Co., Ralph Riehl Jr., and a third-party defendant, Millcreek Township; (4) Teledyne Corp.; and (5) American Meter Co. These Consent Decrees resolve the liability of the above-named defendants and third-party defendant for the response costs incurred and to be incurred by the United States at the Site. The defendants included in proposed Consent Decree no. 1 will pay $5.4 million in response costs. Bucyrus-Erie will pay $500,000 in response costs under Consent Decree no. 2. American Meter will pay $550,000 in response costs under Consent Decree no. 3, and Teledyne Corp. will pay $250,000 in response costs under Consent Decree no. 4. The defendants included in proposed Consent Decree no. 5 will pay $3.1 million in response costs, as well as operate the groundwater treatment plant at the Site for a period of 10 years. Also pursuant to proposed Decree no. 3, Millcreek Township will pay up to $35,000 per year for a period of 10 years toward operation of the groundwater treatment plant at the Site. All of the defendants are committed to continuing to comply with a Unilateral Administrative Order (Docket No. III–92–13DC) requiring construction of the cap at the Site.

The Department of Justice will accept written comments relating to these proposed Consent Decrees for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *Ralph Riehl, et al.*, DOJ No. 90–11–3–519.

Copies of the proposed Consent Decrees may be examined at the Office of the United States Attorney, Western District of Pennsylvania, Federal Building and Courthouse, Room 137, 6th and States Streets, Erie, Pennsylvania, 15219; Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (202) 624–0892. A copy of the proposed Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the proposed Consent Decrees, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the ''Consent Decree Library'' in the following amounts:

$9.50 for Consent Decree no. 1.
$6.75 for Consent Decree no. 2.
$6.50 for Consent Decree no. 3.
$6.75 for Consent Decree no. 4.
$22.25 for Consent Decree no. 5 (plus $249.25 for the attachments to the Decree).
$301.00 for all Decrees and attachments.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 96–722 Filed 1–19–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 5, 1995, Knight Seed Company, Inc., 151 W. 126th Street Burnsville, Minnesota 55337, made application to the Drug Enforcement Administration to be registered as an importer of marihuana (7360) a basic class of controlled substance in Schedule I.

This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: December 22, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–649 Filed 1–19–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 8, 1995, Organix Inc., 65 Cummings Park, Woburn, Massachusetts 01801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Morphine (9300)	II

The firm plans to manufacture tetrahydrocannabinols and a derivative of morphine for use in diagnostic kits.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than March 22, 1996.

Dated: December 22, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–650 Filed 1–19–96; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 22, 1995, Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made written request to the Drug Enforcement Administration to be registered as an importer of etonitazene (9624) a basic class of controlled substance in Schedule I.

The firm plans to import small quantities of etonitazene to make pure drug standards.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: December 22, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–651 Filed 1–19–96; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on October 19, 1995, Upjohn Company, 7171 Portage Road, 2000–41–109, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance 2,5-dimethoxyamphetamine (7396).

The firm plans to manufacture the controlled substance for distribution as bulk product to a customer.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (60 days from publication).

Dated: December 22, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 96–652 Filed 1–19–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Process Safety Management of Highly Hazardous Chemicals

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice; proposed information collection request; submitted for public comment and recommendations.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burdens, is conducting a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and 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 impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of approval for the paperwork requirements of 29 CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals.

DATES: Written comments must be submitted on or before March 22, 1996. 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 the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket ICR–95–6, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–7894. Written comments limited to 10 pages or less may be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Anne C. Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–8148. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Vivian Allen at (202) 219–8076. For electronic copies, contact the Labor News Bulletin Board (202) 219–4784; or OSHA's WebPage on Internet at http://www.osha.gov/.

SUPPLEMENTARY INFORMATION:

Background

The Occupational Safety and Health Administration (OSHA) currently has approval from the Office of Management and Budget (OMB) for certain information collection requirements contained in 29 CFR 1910.119. That approval will expire on June 30, 1996, unless OSHA applies for an extension of the OMB approval. This notices initiates the process for OSHA to request an extension of the current OMB approval.

As part of OMB's and OSHA's continuing paperwork reduction effort, OSHA seeks to reduce the paperwork burden hours in 29 CFR 1910.119 based on input from parties interested in the regulatory scope of that regulation. The purpose of this notice is to solicit public comment on OSHA's existing paperwork burden estimates from those interested parties and to seek public response to several questions related to the development of OSHA's estimates. Interested parties are requested to review OSHA's estimates which are based on information available during rulemaking, and to comment on their accuracy or appropriateness in today's workplace situation. OSHA bases its existing estimates upon information made available to the agency during the initial rulemaking effort for 29 CFR 1910.119 (February 24, 1992, 57 FR 6356); and is interested in learning whether it is outdated.

Current Action

This notice requests an extension of the current OMB approval of the paperwork requirements in 29 CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals.

Type of Review: Extension of existing approval.

Agency: Occupational Safety and Health Administration, U.S. Department of Labor.

Title: Process Safety Management of Highly Hazardous Chemicals.

OMB Number: 1218–0200.

Agency Number: Docket No. ICR–95–6.

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 24,939.

Estimated Time Per Respondent: 5,419.

Total Burden Hours: 135,147,788.

Comments submitted in response to this notice will be summarized and 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 12, 1995.

Thomas H. Seymour,

Acting Director, Directorate of Safety Standards Programs.

[FR Doc. 96–744 Filed 1–19–96; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL INSTITUTE FOR LITERACY

Notice of Meeting

AGENCY: National Institute for Literacy Advisory Board, National Institute for Literacy.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Advisory Board (Board). This notice also, describes the function of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATE AND TIME: February 9, 1996.

ADDRESSES: National Institute for Literacy, 800 Connecticut Avenue, NW., Suite 200, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Carolyn Staley, Deputy Director, National Institute for Literacy, 800 Connecticut Avenue, NW., Suite 200, Washington, DC 20006. Telephone number (202) 632–1526.

SUPPLEMENTARY INFORMATION: The Board is established under Section 384 of the Adult Education Act, as amended by Title I of Public Law 102–73, the National Literacy Act of 1991. The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board is established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Board performs the following functions: (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and receives reports from the Interagency Group and Director of the Institute. In additional, the institute consults with the Board on the award of fellowships. The Board will meet in Washington, DC on February 9, 1996 from 9:00 a.m. to 4:00 p.m. The meeting of the Board is open to the public. The agenda includes discussion of Interagency Group Representatives updating Advisory Board on the status of block grants affecting literacy and the Advisory Board will review current spending plan and discuss priorities for the next fiscal year. Records are kept of all Board proceedings and are available for public inspection at the National Institute for Literacy, 800 Connecticut Avenue, NW., Suite 200, Washington, DC 20006 from 8:30 a.m. to 5:00 p.m.

Dated: January 16, 1996.

Andrew J. Hartman,

Executive Director, National Institute for Literacy.

[FR Doc. 96–690 Filed 1–19–96; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Notice of Pending Submittal to the Office of Management and Budget (OMB) for Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR Part 32, Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material.

2. Current OMB Approval Number: 3150–0001

3. How often the collection is required: There is a one-time submittal of information to receive a license. Renewal applications are submitted every 5 years. In addition, recordkeeping must be performed on an on-going basis, and reports of transfer of byproduct material must be reported every 5 years.

4. Who is required or asked to report: All specific licensees who manufacture or initially transfer items containing byproduct material for sale or distribution to general licensees or persons exempt from licensing.

5. The number of annual respondents: 265 NRC licensees and 333 Agreement State licensees.

6. The number of hours needed annually to complete the requirement or request: 53,333 hours or 201.26 hours per NRC licensee and 95,306.9 hours or 286.21 hours per Agreement State licensee. The difference in individual licensee burden between NRC and Agreement States is due to the fact that a higher percentage of the Agreement State licensees are nuclear pharmacies, which have a large recordkeeping burden because of the labeling requirements for radiopharmaceuticals.

7. Abstract: 10 CFR Part 32 establishes requirements for specific licenses for the introduction of byproduct material into products or materials and transfer of the products or materials to general licensees or persons exempt from licensing. It also prescribes requirements governing holders of the specific licenses. Some of the requirements are information which must be submitted in an application for a specific license, records which must be kept, reports which must be submitted, and information which must be forwarded to general licensees and persons exempt from licensing. In addition, 10 CFR Part 32 prescribes requirements for the issuance of certificates of registration (concerning radiation safety information about a product) to manufacturers or initial transferors of sealed sources and devices. Submission or retention of the information is mandatory for persons subject to the 10 CFR Part 32 requirements. The information is used by NRC to make licensing and other regulatory determinations concerning the use of radioactive byproduct material in products and devices.

Submit, by March 22, 1996, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access this document via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library), NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608.

Comments and questions may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC, 20555–0001, or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 11th day of January, 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–677 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–213]

Connecticut Yankee Atomic Power Company; Haddam Neck Plant; 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–61, issued to Connecticut Yankee Atomic Power Company (CYAPCO, the licensee), for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment will revise the Haddam Neck Technical Specifications (TS) to delete TS Sections 1.38 and 1.39, ''Definitions, Fuel Assembly Types,'' revise TS Sections 3/4.9.3, ''Refueling Operations, Decay Time'' and 3/4.9.14, ''Refueling Operations, Spent Fuel Pool—Reactivity Condition,'' replace TS Sections 5.6.1.1, ''Spent Fuel,'' and 5.6.3, ''Capacity,'' and add a new TS Section 3/4.9.15, ''Refueling Operations, Spent Fuel Pool Cooling.'' The proposed action is in accordance with the licensee's amendment request dated March 31, 1995, as supplemented November 14, 1995.

The Need for the Proposed Action

The proposed TS changes support a rerack of the spent fuel pool to expand the spent fuel pool's storage capacity from 1168 assemblies to 1480 assemblies so as to accommodate a full-core-discharge through the current validity date of the Haddam Neck Operating License (2007). The Haddam Neck Plant received its provisional Operating License in June 1967. The original spent fuel pool capacity was 336 fuel assemblies. In 1975–1976, CYAPCO performed a rerack to increase the capacity of the spent fuel pool from 368 to 1172 fuel assemblies. The licensee believed, at that time, that the increase to 1172 fuel assemblies would provide sufficient space until the mid-1990's, at which time a fuel reprocessing facility would be in operation. At the present time, CYAPCO has contracted with the U.S. Department of Energy (DOE) to begin taking delivery of its spent fuel in 1998. However, DOE has indicated that all of CYAPCO's spent fuel may remain at the site until a repository is operational or until some other facility is constructed under the Nuclear Waste Policy Act. CYAPCO does not believe that such a facility will be operational in time for the Haddam

Neck Plant to avoid loss of full-core-discharge capability. CYAPCO evaluated spent fuel storage alternatives that have been licensed by the NRC and that are currently feasible for use at the Haddam Neck site. The result of this evaluation is that a rerack of the spent fuel pool is the most cost-effective alternative. This TS change is necessary for support of the rerack of the Haddam Neck spent fuel pool.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The staff has concluded the following for the various design considerations of the rerack of the Haddam Neck spent fuel pool (SFP):

1. The staff finds the criticality aspects of the proposed increase in the storage capacity of the Haddam Neck spent fuel pool storage racks are acceptable and meet the requirements of General Design Criterion 62 for the prevention of criticality in fuel storage and handling.

2. The staff has reviewed the licensee's rationale for SPF cooling, performed confirmatory decay heat load calculations, reviewed the effects of SFP boiling, and the heavy load capability of the SFP building cranes, and concludes that the above issues relating to the increase in the SFP storage capacity from 1168 to 1480 fuel assemblies are acceptable.

3. The staff concludes that the materials selected for the Haddam Neck Plant spent fuel rack modifications have been carefully and satisfactorily thought out and no occurrence of degradation of the material selected for the rack modification is expected. The racks are constructed from a type 304 stainless steel and fabricated according to an approved ASME specification. The choice of Boral as a poison material will ensure reliable criticality control. The design of the fuel racks accounts for the possibility of hydrogen production by corrosion of Boral and provides ventilation outlets that would relieve hydrogen pressure which otherwise could cause deformation of the rack cells.

4. The Boral Surveillance Program will provide a reliable method of assessing the potential degradation of Boral panels which are exposed to radiation in the spent fuel area over time. The staff concludes that the licensee's selection of structural, welding and poison materials meets current industry and regulatory standards. These materials are acceptable for construction of the new rack modules because they meet the requirements of General Design Criterion 62, as it applies to providing physical systems for prevention of criticality in fuel storage.

5. The staff concludes that CYAPCO's structural analysis and design of the spent fuel rack modules and the spent fuel pool structure are adequate to withstand the effects of the required loads. The analysis and design are in compliance with the current licensing basis set forth in the Updated Final Safety Analysis Report and applicable provisions of the Standard Review Plan, and are therefore acceptable.

The TS change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed TS amendment.

With regard to potential nonradiological impacts, the proposed amendment 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. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendment, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the amendment would be to deny the amendment request. Such action would not enhance the protection of the environment and would result in unjustified cost to the licensee.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Haddam Neck Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on January 5, 1996, the staff consulted with the Connecticut State official, Alan B. Wang of the U. S. Nuclear Regulatory Commission, 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 amendment.

For further details with respect to this proposed action, see the licensee's letter dated March 31, 1995, as supplemented by letter dated November 14, 1995, which are 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 Russell Library, 123 Broad Street, Middletown Connecticut.

Dated at Rockville, Maryland, this 11th day of January 1996.

For the Nuclear Regulatory Commission.

Phillip McKee,

Director, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–702 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 81st meeting on January 24, 25 and 26, 1996, Room T–2B3, at 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the Federal Register on Wednesday, December 6, 1995 (60 FR 62485).

The entire meeting will be open to public attendance.

The agenda for this meeting shall be as follows:

Wednesday, January 24, 1996—8:30 A.M. until 6:00 P.M.

Thursday, January 25, 1996—8:30 A.M. until 6:00 P.M.

Friday, January 26, 1996—8:30 A.M. until 4:00 P.M.

During this meeting the Committee plans to consider the following:

A. *Design Bases Events for Geologic Repository Operations Area*—The Committee will hear a presentation by the staff on the proposed resolution of public comments on changes to Part 60 relevant to design basis events for a proposed geologic repository operations area.

B. *Meeting with the Executive Director for Operations*—The Committee will meet with the Executive Director for Operations to discuss items of current interest, e.g., status of the Phase 1 rebaselining effort, anticipated impact of

resource limitations, staff interactions with the ACNW, and recent Committee reports.

C. *Technical Training Center Developments*—The Committee will hear a presentation by representatives of the Technical Training Center (TTC) on TTC programs relevant to the Committee's areas of priority.

D. *Facility Decommissioning*—The Committee will hear a presentation by the NRC staff on the current disposition of a facility listed on the Site Decommissioning Management Plan (SDMP). A proposal for permanent on-site disposal, as well as performance assessment considerations, are among the relevant issues to be discussed.

E. *Residual Contamination Background Level Determination*—The Committee will hear a report from the Office of Research on its recent field study demonstration project intended to verify the efficacy of the background level determination process proposed in the draft Residual Contamination Level for Decommissioning rule.

F. *High-Level Waste Source Term*—The Committee will hear a consultant presentation on a high-level waste source term.

G. *Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards*—The Director will discuss items of current interest related to Division of Waste Management programs. Among the topics which may be discussed are: A proposed high-level waste issue resolution process, an overview of a recent decommissioning exercise, and current activities related to the use of expert judgment in the licensing process.

H. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will also discuss ACNW-related activities of individual members.

I. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on September 27, 1995 (60 FR 49924). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Major if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415–7366), between 8:00 A.M. and 5:00 P.M. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the ''NRC MAIN MENU.'' Direct Dial Access number to FedWorld is (800) 303–9672; the local direct dial number is 703–321–3339.

Dated: January 11, 1996.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 96–670 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Individual Plant Examinations; Notice of Meeting

The ACRS Subcommittee on Individual Plant Examinations (IPEs) will hold a meeting on January 26, 1996, in Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, January 26, 1996—8:30 a.m. until the conclusion of business.

The Subcommittee will discuss the extent to which the current spectrum of IPEs can be used in the regulatory process and other related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineers named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineers, Dr. Medhat El-Zeftawy (telephone 301/415–6889) or Mr. Michael Markley (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individuals one or two working days prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: January 11, 1996.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 96–672 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

Disposition of Cesium-137 Contaminated Emission Control Dust and Other Incident-Related Material; Proposed Staff Technical Position

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice: Proposed Staff Technical Position.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing guidance, in the form of a Technical Position, that may be used in case-by-case requests by appropriate licensees to dispose of a specific mixed waste. Mixed waste is a waste that is not only radioactive, but also classified as hazardous under the Resource Conservation and Recovery Act (RCRA). The specific mixed waste is emission control dust from electric arc furnaces and foundries that has been contaminated with cesium-137 (Cs-137). The contamination results from the inadvertent melting of a Cs-137 source, that: (1) has been improperly disposed of by an NRC or Agreement State licensee; (2) has been commingled with the steel scrap supply; (3) has not been detected as it progresses to the steel producing process; and (4) is volatilized in production process and thereby can and has contaminated large volumes of emission control dust and the emission control systems at steel producing facilities.

The proposed position, which has been coordinated with the U.S. Environmental Protection Agency (EPA), provides the possibility of a public health-protective, environmentally sound, and cost-effective alternative for the disposal of much of this mixed waste that contains Cs-137, in concentrations similar to values that frequently occur in the environment. The position provides the bases that, with the approval of appropriate regulatory authorities (e.g., State-permitting agencies) and others (e.g., disposal site operators), and with public input, could be used to allow disposal of treated (stabilized) waste at Subtitle C, RCRA-permitted, hazardous waste disposal facilities. NRC believes that disposal, under the provisions of the position or other acceptable alternatives, is preferable to allowing this mixed waste to remain indefinitely at steel company sites.

The proposed position has been developed through a very ''open'' process in which working draft documents have been routinely shared with EPA, and also placed in NRC's Public Document Room (Subject File: 204.1.23) to allow interested party access. In keeping with this process, NRC, rather than noticing the availability of the proposed position, is publishing the entire position for public comment.

DATES: Submit comments by March 22, 1996. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A final position will be issued following NRC staff review of the comments received.

FOR FURTHER INFORMATION CONTACT: W.R. Lahs, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415–6756.

SUPPLEMENTARY INFORMATION:

Disposition of Cesium-137 Contaminated Emission Control Dust and Other Incident-Related Materials; Proposed Branch Technical Position

A. Introduction

Emission control (baghouse) dust and other incident-related materials (e.g., cleanup materials or recycle process streams) contaminated with cesium-137 (Cs-137) [1] are currently being stored as mixed radioactive and hazardous waste at several steel company sites across the country. At any single site, this material typically contains a total Cs-137 quantity ranging downward from a little more than one curie (37 gigabecquerels (GBq)) of activity, distributed within several hundred to a few thousand tons of iron/zinc-rich dust, as well as within much smaller quantities of cleanup or dust-recycle, process stream materials.[2]

The radioactivity is not evenly distributed among these materials. Typically, a small fraction (e.g., one-tenth) of the material contains most (e.g., 95 percent) of the radioactivity. Most of the material contains a small quantity of radioactivity at low concentrations and makes up most of the mixed-waste volume. This material is generally classified as hazardous waste under RCRA because it contains lead, cadmium, and chromium that are common to the recycle metal supply. The Cs-137 contamination of this hazardous waste, on the other hand, results from a series of three principal events: (1) the loss of control of a radioactive source by an NRC or Agreement State licensee; (2) the inclusion of the source within the recycle metal scrap supply used by the steel producers; and (3) the inability to screen out the radioactive source as it progresses along the typical scrap collection-to-melt pathway (e.g., including radiation detectors used at most furnaces and foundries). Consequently, irrespective of the quantity or concentration of the radioactivity, all the material is subject to joint regulation as mixed waste under RCRA and the Atomic Energy Act of 1954, as amended, or the equivalent law of an Agreement State.

The disposal options for these materials, specifically the large volumes of material with the lower concentrations of Cs-137, have been limited because of their ''mixed-waste'' classification and the costs associated with the disposition of large volumes of mixed or radioactive waste. Long-term solutions addressing the control and accountability of licensed radioactive sources are being considered by NRC and its Agreement States. Solutions addressing the disposition of mixed wastes are being considered by various Federal and State regulatory authorities and the U.S. Department of Energy. Nevertheless, the Commission believes that, pending decisions on improved licensee accountability and the ultimate disposition of mixed waste, appropriate disposal of the existing incident-related, mixed-waste material is preferable to indefinite onsite storage.

As a result, this technical position defines the bases that the NRC staff would generally find acceptable for: (1) authorizing a licensee, possessing Cs-137 contaminated emission control dust and other incident-related materials (e.g., the steel company or its service contractor), to transfer Cs-137 contaminated material, below levels specified in this position, to a Subtitle C, RCRA-permitted hazardous waste disposal facility; and (2) exempting the possession and disposal of these incident-related materials (e.g., by the RCRA-permitted disposal facility) from NRC or Agreement State licensing requirements. Because of its radioactivity (i.e., Cs-137 concentration levels), some of the incident-related material may not be suitable for disposal at a Subtitle C, RCRA-permitted disposal facility. This material may be disposed of either: (1) at a licensed low-level radioactive waste disposal facility following ''delisting'' (e.g., after appropriate treatment of its hazardous constituents) or (2) at a mixed waste disposal facility, if applicable acceptance criteria are met.

The regulatory basis for the first action is found at 10 CFR 20.2001(a)(1). This paragraph authorizes a licensee to

[1] The byproduct material Cs-137 does not include the Cs-137, from global fallout, that exists in the environment from the testing of nuclear explosive devices (See Footnote 3).

[2] The term, ''incident-related material,'' is frequently used in this position to refer to the total spectrum of Cs-137-contaminated materials resulting from an inadvertent melting event. Because of its widespread use in radioactive devices and its volatility when subjected to steel melting temperatures, the position is directed solely at incident-related materials involving this nuclide.

dispose of licensed material as provided in the regulations in 10 CFR Parts 30, 40, 60, 61, 70, or 72. Paragraph 30.41(b) states the conditions under which licensees are allowed to transfer byproduct material. Paragraph 30.41(b)(7) of Part 30 specifically provides that licensees may transfer byproduct material if authorized, by the Commission, in writing.

The regulatory basis for the second action is found at § 30.11 (''Specific exemptions''), which states that the Commission may, on its own initiative, grant exemptions (from the requirements of the regulations in 10 CFR Parts 30 through 36, and 39) as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest. It should be noted that additional acceptance requirements, beyond those covered in this NRC position for disposal of Cs-137-contaminated hazardous waste at a Subtitle C RCRA-permitted disposal facility, may be established by: (1) an Agreement State; (2) the permit conditions or policies of the RCRA-permitted disposal facility; (3) the regulatory requirements of the RCRA disposal facility's permitting agency; or (4) other authorized parties, including State and local governments. These requirements may be more stringent than those covered in the guidance described in this technical position. The licensed entity transferring the Cs-137-contaminated incident-related materials should consult with these parties, and obtain all necessary approvals, before making the transfers defined in this technical position. Nothing in this position shall be or is intended to be construed as a waiver of any RCRA permit condition or term, of any State or local statute or regulation, or of any Federal RCRA regulation.

B. Discussion

Over the past decade, there has been an increasing number of instances in which radioactive material has been inadvertently commingled with scrap metal that subsequently has entered the steel-recycle production process. If this radioactive material is not removed before the melting process, it could contaminate the finished metal product, associated dust-recycle process streams, equipment (principally air effluent treatment systems), and the dust generated during the process. Some of the contaminant radioactivity is a result of naturally occurring radionuclides that deposit in oil and gas transmission piping. Other radioactivity may be associated with radioactive sources that are contained in industrial or medical devices. In this latter case, the commingling of the radioactive source with metal destined for recycling can occur if the regulatorily required accountability of these sources fails and a radioactive source is included within the metal scrap supply used by the steel producers. In cases where the radionuclide is naturally occurring, or is already present in the environment as a result of global fallout, the inadvertent melting of a radioactive source could increase the contaminant concentration above that caused by these background environmental levels.[3]

Although many of the steel producers have installed equipment to detect incoming radioactivity, this equipment cannot provide absolute protection because of the shielding of radioactive emissions that may be provided by uncontaminated scrap metal or the shielded ''pig'' that contains the radioactive source. Of special concern, because of the nature and magnitude of the involved radioactivity, are NRC- or Agreement State-licensed sources containing Cs-137.

When Cs-137 sources are inadvertently melted with a load of scrap metal, a significant amount of the Cs-137 activity contaminates the metal-rich dust that is collected in the highly efficient emission control systems that steel mills have installed to comply with air pollution regulations. Because of toxic constituents—specifically lead, cadmium, and chromium—electric arc furnace (EAF) and foundry emission control dust are subject to regulation under RCRA. If this dust becomes contaminated with Cs-137, the resulting material would be classified as a mixed waste. Emission control dust, generated immediately after the melting of a Cs-137 source with the scrap metal, can contain cesium concentrations in the range of hundreds or thousands of picocuries per gram (pCi/g) or a few to a few tens of becquerels (Bq) per gram of dust, above typical levels in dust caused by Cs-137 in the environment (e.g., 2 pCi/g or 0.074 Bq/g). Several thousand cubic feet (several tens of cubic meters) of dust could be contaminated at these levels. Dust generated days or weeks after a melt of a source (containing hundreds of millicuries or a few curies of Cs-137) will contain reduced concentrations, typically less than 100 pCi/g (3.7 Bq/g).

Even after extensive decontamination and remediation activities, newly generated dust may still contain concentrations greater than 2 pCi/g (0.074 Bq/g) background levels, but generally less than 10 pCi/g (0.37 Bq/g). When the melting of a source is not immediately detected, materials related to downstream processes have also been contaminated with relatively low concentrations of Cs–137 (e.g., 10 pCi/g (0.37 Bq/g)). In addition, materials used during decontamination may also be contaminated with dust containing Cs–137 concentrations at similar levels above background.

As the result of past inadvertent meltings of Cs–137 sources, a number of steel producers possess a total of over 10,000 tons of incident-related materials, most of which contains Cs–137 concentrations of less than 100 pCi/g (3.7 Bq/g). This material is typically being stored onsite because of the lack of disposal options that are considered cost effective by the steel companies.[4] It is the disposition of material at these concentration levels that is the subject of this technical position.

C. Regulatory Position

General

Because of the ''incident-related'' origin of the Cs–137 contaminated materials, the Commission has approved a course of action that includes: (1) exploration of approaches to improve licensee control and accountability to reduce the likelihood of sealed sources entering the scrap metal supply; (2) cooperation with the steel manufacturers and other appropriate organizations to identify the magnitude and character of the problem (with particular emphasis on improving the capability to detect sealed sources before their inadvertent melting); and (3) development of interim guidelines for the disposal of Cs–137 contaminated dust and other incident-related materials (the subject of this technical position).

Specific

Bases for Allowing Transfer and Possession of Cs–137 Contaminated Incident-Related Material. The bases for allowing transfer and possession of Cs–137 contaminated emission control dust and other incident-related materials, under the provisions of existing regulations, are as follows: (1) Any

[3] In a letter to William Guerry, Jr. from NRC's Executive Director for Operations, James M. Taylor, dated May 25, 1993, NRC made a preliminary determination that Cs-137 levels in baghouse dust can reasonably be attributed to fallout from past nuclear weapons testing, if concentrations are less than about 2 pCi/g (0.074 Bq/g).

[4] In April 1995, Envirocare of Utah, Inc., an operator of a mixed-waste disposal site, received authorization from the State of Utah and initiated operations to treat and dispose of Cs–137-contaminated incident-related (mixed waste) materials at concentrations not exceeding 560 pCi/g (20.7 Bq/g).

person at a Subtitle C, RCRA-permitted disposal facility involved with the receipt, movement, storage, or disposal of contaminated materials should not receive an exposure greater than 1 millirem (mrem) or 10 micro-sievert (μSv) per year (i.e., one-hundredth of the dose limit for individual members of the public as defined at 10 CFR 20.1301(a)(1)), above natural background levels;[5] (2) members of the general public in the vicinity of storage or disposal facilities should not receive exposures and no individual member of the public should be likely to receive a dose greater than 1 mrem (10 μSv) per year above background as a result of any and all transfers and disposals of contaminated materials; (3) handling or processing of the contaminated materials, undertaken as a result of its radioactivity, should not compromise the effectiveness of permitted hazardous waste disposal operations; (4) treatment of contaminated materials should be accomplished by persons operating under a licensee's radiation protection program; and (5) transportation of contaminated materials should be performed by hazardous material employees, as defined in U.S. Department of Transportation (DOT) regulations (49 CFR Part 172, Subpart H).

Definition of Contaminated Materials and Initial Incident Response. A melting event generally necessitates extensive decontamination and remediation operations at the EAF or foundry (e.g., replacing refractory bricks and duct work). Subsequent operations include the proper interim handling and management (e.g., accumulation and containment) of emission control dust and other incident-related contaminated materials. Based on a review of several recent incidents, the dust may contain Cs–137 concentrations up to hundreds or thousands of pCi/g (a few to a few tens of Bq/g), whereas the other generally limited-volume, incident-related materials typically contain lower concentrations. As a result, the initial cleanup and collection/treatment/packaging of the contaminated emission control dust and other materials at the EAF or foundry should be performed by an NRC or Agreement State licensee operating under an approved radiation protection program. The licensee would also be responsible for compliance with other non-radiological regulatory requirements (e.g., those of the Occupational Safety and Health Administration and RCRA Treatment Permitting requirements).

Provisions for Disposal at a Subtitle C, RCRA-Permitted, Disposal Facility. Once the decontamination/remediation and collection/treatment/packaging activities have been completed, one of two paths may be followed for the disposal of the incident-related materials, dependent on Cs–137 concentration levels and whether the final land disposal operation involves the burial of packaged or unpackaged materials.

1. *Packaged Disposal of Treated Waste.* On this disposal path, contaminated materials would be treated through stabilization to comply with all EPA and/or State waste treatment requirements for land disposal of regulated hazardous waste. The treatment operations would be undertaken by either (i) The owner/operator of the EAF or foundry (licensed by NRC or appropriate Agreement State to possess, treat, and transfer Cs–137 contaminated incident-related materials); or (ii) an NRC-or Agreement State-licensed service contractor. Based on the radiological impact assessment provided in the appendix, the licensee could be authorized to transfer the treated incident-related materials to a Subtitle C, RCRA-permitted, disposal facility, provided that all the following conditions are met:

(a) The Cs–137-contaminated emission control dust and other incident-related materials are the result of an inadvertent melting of a sealed source or device;

(b) The emission control dust and other incident-related materials have been treated (stabilized) to meet requirements for land disposal of RCRA-regulated waste, and have been stored (if applicable) and transferred in compliance with a radiation protection program as specified at 10 CFR 20.1101;

(c) The total Cs-137 activity, contained in emission control dust and other incident-related materials to be transferred to a Subtitle C, RCRA-permitted, disposal facility, has been specifically approved by NRC or the appropriate Agreement State(s) and does not exceed the total activity associated with the inadvertent melting incident. Moreover, NRC or the appropriate Agreement State should maintain a public record of the total incident-related Cs-137 activity, received by the facility over its operating life, to ensure that this total-disposed Cs-137 activity does not exceed 1 curie (37 GBq);[6]

(d) The RCRA disposal facility operator has been notified in writing of the impending transfer of the incident-related materials and has agreed in writing to receive and dispose of the packaged materials;

(e) The licensee providing the radiation protection program required in paragraph (b), notifies, in writing, the Commission or Agreement State(s) in which the transferor and transferee are located, of the impending transfer, at least 30 days before the transfer;

(f) The treated (stabilized) material has been packaged for transportation and disposal in non-bulk steel packagings as defined in DOT regulations at 49 CFR 173.213. (Note that this is a condition established under this technical position and is not a DOT requirement. Under DOT regulations, material with concentrations of less than 2 thousand picocuries per gram (74 Bq/g) is not considered radioactive);

(g) In any package, the emission control dust and other incident-related materials, that have been treated (stabilized) and packaged as defined in (b) and (f) above, contain pretreatment average concentrations of Cs-137 that did not exceed 130 pCi/g (4.8 Bq/g) of material;[7] and

(h) The dose rate at 3.28 feet (1 meter) from the surface of any package containing treated (stabilized) waste does not exceed 20 μrem per hour or 0.20 μSv per hour, above background.[8]

Note that, in defining the pretreatment Cs-137 concentration value stated in paragraph (1)(g), a factor of 1.5 has been included as a regulatory margin. This factor adds further

[5] The use of 1 mrem (10 μSv) has no significance or precedential value as a health and safety goal. It was selected only for the purpose of analysis of the levels at which the referenced materials could be partitioned to allow the bulk of the material to be transferred to unlicensed persons. It does not represent an NRC position on the generic acceptability of dose levels. Such levels are established only by rule.

[6] The 1 curie (37 GBq) value represents a reasonable bounding activity, associated with several incidents, that could be transferred to an RCRA-permitted facility under the provisions of this position. It also represents a quantity that would be less than the activity disposed of over the operating life of the RCRA-permitted facility, if the facility routinely disposed of non-incident-related emission control dust containing background concentrations of Cs-137.

[7] The 130 pCi/g (4.8 Bq/g) value is the concentration, based on the analysis in the appendix and including a regulatory margin of 1.5, that would result in a calculated potential exposure less than 1 mrem (10 μSv). The disposal of incident-related materials in packaged form allows compliance with this position to be demonstrated through measurement of Cs-137 concentrations, as well as direct radiation levels external to the package. Notwithstanding the redundant approaches to ensure compliance with the exposure criterion, the regulatory margin of 1.5 has been included in determining the acceptable measurables defined in the position.

[8] At this exposure rate, for the exposure period as defined in the appendix, total exposure would not exceed 1 mrem (10 μSv) with a regulatory margin of 1.5.

assurance to the certainty in protection provided by the licensee's (1) Sampling of Cs-137 concentrations in contaminated materials, (2) measurements of dose rate external to the disposal (and transportation) packagings, and (3) other assumptions included in the radiological impacts assessment.

2. *Disposal of Unpackaged (i.e., Bulk) Treated Waste.* On this disposal path, contaminated materials would also be treated through stabilization to comply with all EPA and State waste treatment requirements for land disposal of RCRA-regulated hazardous waste. The treatment operations would be undertaken by either (i) The owner/operator of the EAF or foundry (licensed to possess, treat, and transfer Cs-137-contaminated incident-related materials), or (ii) a licensed service contractor. Based on the radiological impact assessment provided in the appendix, the licensee could be authorized to transfer the treated (stabilized) incident-related materials to a Subtitle C, RCRA-permitted, disposal facility, provided that all the following conditions are met. (Note that conditions (a) through (e) are identical to those applicable to packaged disposal of treated waste):

(a) The Cs-137 contaminated emission control dust and other incident-related materials are the result of an inadvertent melting of a sealed source or device;

(b) The emission control dust and other incident-related materials have been treated (stabilized) to meet requirements for land disposal of RCRA-regulated waste, and have been stored (if applicable), and transferred in compliance with a radiation protection program as specified at 10 CFR 20.1101;

(c) The total Cs-137 activity, contained in emission control dust and other incident-related materials to be transferred to a Subtitle C, RCRA-permitted, disposal facility, has been specifically approved by NRC or the appropriate Agreement State(s) and does not exceed the total activity associated with the inadvertent melting incident. Moreover, NRC or the appropriate Agreement State should maintain a public record of the total incident-related Cs-137 activity, received by the facility over its operating life, to ensure that this total disposed Cs-137 activity does not exceed 1 curie (37 GBq);[9]

(d) The RCRA disposal facility operator has been notified in writing of the impending transfer of the incident-related materials and has agreed in writing to receive and dispose of these materials;

(e) The licensee providing the radiation protection program required in paragraph (b) notifies, in writing, the Commission or Agreement State(s) in which the transferor and transferee are located, of the impending transfer, at least 30 days before the transfer; and

(f) The emission control dust and other incident-related materials, that have been treated (stabilized) as defined in (b) above, contain pretreatment average concentrations of Cs-137 that did not exceed 100 pCi/g (3.7 Bq/g) of material.[10]

Note that, in defining the pretreatment Cs-137 concentration value in paragraph (2)(f), a factor of 2 has been included as a regulatory margin. The factor adds further assurance to the certainty of protection provided by the licensee's (1) sampling of Cs-137 concentrations in contaminated materials; and (2) other assumptions included in the radiological impacts assessment.

Treatment, Storage, and Transfer of Emission Control Dust or Other Incident-Related Materials with Cs-137 Concentrations Indistinguishable from Background Levels (i.e., 2 pCi/g (0.074 Bq/g) or Less). The EAF or foundry licensed to possess and transfer Cs-137 contaminated emission control dust or a licensed service contractor is authorized to transfer emission control dust and other incident-related materials as if they were not radioactive, provided that the Cs-137 concentration within the emission control dust and other incident-related materials is 2 pCi/g (0.074 Bq/g) of material or less.

Aggregation of Cs-137 Contaminated Emission Control Dust and Other Incident-Related Materials. Aggregation of Cs-137 contaminated emission control dust and other incident-related material, before stabilization treatment, is acceptable if performed in compliance with a radiation protection program, as described at 10 CFR 20.1101, and provided that:

(1) Aggregation involves the same characteristic or listed hazardous waste and the wastes must be amenable to and undergo the same appropriate treatment for land-disposal restricted waste;

(2) Aggregation does not increase the overall total volume nor the radioactivity of the incident-related mixed waste; and

(3) Materials, when aggregated, are subjected to a sampling protocol that demonstrates compliance with Cs-137 concentration criteria on a package-average[11] basis.

Determination of Cs-137 Concentrations and Radiation Measurements. Cs-137 concentrations may be determined by the licensee by direct or indirect (e.g., external radiation) measurements, through an NRC- or Agreement State-approved sampling program. The program should be sufficient to ensure that Cs-137 contamination in stabilized treated emission control dust and in other incident-related materials, on a package-average basis, is consistent with the concentration criteria in this technical position. The sampling program should provide assurance that the quantity of Cs-137 in any package (see footnote 11) does not exceed the product of the applicable concentration criterion times the net weight of contaminated material in a package.

Appendix—Assessment of Radiological Impact of Disposal of Cs-137 Contaminated Emission Control Dust and Other Incident-related Materials at a Subtitle C RCRA-Permitted Disposal Facility

Background

In the normal process of producing recycled steel, scrap steel is subjected to a melting process. In this process, most impurities in the scrap steel are removed and generally contained within process-generated slag or off-gas. Typically, the off-gas carries dust, containing iron and zinc, together with certain heavy metals, through an emission control system to a ''baghouse,'' where the dust is captured in ''bag-type'' filters. Hazardous constituents within the dust, principally lead, cadmium, and chromium, cause the dust to be designated by EPA as a hazardous waste, under RCRA, often as the listed waste K061.

Typically, when the scrap consists largely of junk automobiles, the dust contains a high percentage (greater than 20 percent) of zinc, which can be a valuable recovery product. Moreover, the zinc recovery process produces slag and other byproducts that have recycle potential. If economic (e.g., low zinc content) or process considerations

[9] See footnote 6.

[10] The 100 pCi/g (3.7 Bq/g) value is the concentration, based on the analysis in the appendix and including a regulatory margin of 2, that would result in a calculated potential exposure of less than 1 mrem (10 μSv). The disposal of incident-related material in unpackaged (bulk) form dictates that compliance with this position would be demonstrated through measurement of Cs-137 concentrations. Without the redundant approach to ensure compliance with the exposure criterion inherent with the packaged-disposal approach (see Footnote 7), the regulatory margin, included in determining the acceptable measurables defined in the position, has been increased to 2.0.

[11] The term package, as used here, refers to packages used by the licensee to transfer the material to the disposal facility, irrespective of whether this package is also the disposal container.

preclude these recycle options, the dust may be treated and disposed of in a hazardous waste disposal facility. Treatment standards for the various hazardous constituents of the dust have been specified by EPA in 40 CFR 268.40. Solidification is the treatment process typically used to meet these standards.

Because the recycling of steel involves the addition of natural materials (primarily lime and ferromanganese), very low levels of radioactivity, ubiquitous in the environment, are involved in the production process. One of these radionuclides is Cs-137 which now occurs in the environment as a result of global fallout from past weapons-testing programs.

Cs-137 has a 30-year half-life (i.e., a quantity of this radionuclide and its associated radioactivity will decrease by half every 30 years). The decay of Cs-137 and its very short-lived daughter produces emissions of beta particles and gamma rays.

The principal hazard from the beta particles can only be realized when it enters the human body. The principal hazard from the gamma rays is as an external source of penetrating radiation similar to the type of exposure received from an X-ray. Because of its volatility in the very high-temperature (typically 3000 degrees fahrenheit) steel-making process, Cs-137 is volatilized and transported in the furnace off-gas and, as it condenses, becomes a constituent of the emission control (baghouse) dust. Normal background Cs-137 concentrations in dust have been measured at picocurie per gram levels (0.024 to 1.23 pCi/g)[12] or thousandths of a becquerel per gram (Bq/g). This concentration is consistent with the general range of background levels measured in soils within the United States whereas concentrations of 10 pCi/g (0.37 Bq/g) are relatively common in drainage areas.[13] As a result of this information, NRC has determined that Cs-137 concentrations in emission control dust below 2 pCi/g (0.074 Bq/g) can be attributed to fallout from past weapons testing.[14]

Statement of Problem

The inadvertent melting of a licensed Cs-137 sealed source with scrap steel at an EAF or foundry typically results in the contamination of the steel producer's emission control system and the generation of potentially large quantities (e.g., of the order of 1000 tons) of Cs-137 contaminated emission control dust. Facility cleanup operations will produce an additional quantity of contaminated material and, depending on the effectiveness of cleanup operations, further generation of contaminated dust or cleanup-related materials can occur. Furthermore, if the occurrence of the melting event is not immediately detected, contamination can unknowingly be carried forward with the dust into zinc-recovery process streams. In one case, for example, this has led to Cs-137 contamination of the zinc-rich, splash condenser dross residue, referred to as SCDR material. In the incidents to date, total quantities of these contaminated materials have not exceeded 2000 tons per event. The Cs-137 concentration in all these materials can vary, but in typical past events, much of the material is contaminated at levels ranging from 2 pCi/g (0.074 Bq/g) to a few hundred pCi/g (most below approximately 100 pCi/g or 3.7 Bq/g). Smaller volumes (typically less than 5 percent of the total volume) have included concentrations at nanocurie/gram levels (thousands of pCi/g or a few tens of Bq/g).

The intent of this analysis is to characterize the potential radiological impacts associated with the alternative options for disposal of Cs-137 contaminated emission control dust and other incident-related materials at a Subtitle C, RCRA-permitted facility. Because these RCRA hazardous wastes must be treated to comply with the requirements for land disposal of restricted waste, the potential radiological impacts associated with treatment processes required consideration. To protect against these radiological impacts, the position includes the provision that treatment of Cs-137 contaminated emission control dust and other incident-related materials be performed by an NRC or Agreement State licensee. The licensee would operate under an approved radiation protection program, as well as any required RCRA treatment permit. Such controls are necessary because of the wide range of contaminated materials and their physical forms, together with the variability in EPA-approved treatment processes. Under this decision, the Subtitle C, RCRA-permitted disposal facility would be receiving the emission control dust and other incident-related materials after their treatment to stabilize the RCRA-hazardous constituents (specifically, lead, cadmium, and chromium) in a non-dispersible,[15] solid (e.g., cement-type) form. As a result, the potential radiological hazard from the ''treated'' material during disposal operations is associated with its characteristic as an external source of radiation.

After disposal, Cs-137 could only become a hazard through water pathways if a sufficient quantity and concentration of Cs-137 were to: (1) become available, (2) be leached from its solid form, (3) be released from the disposal facility, and (4) enter a drinking water supply. No significant radiological hazard would be expected to result from inadvertent intrusion into the disposed waste after facility closure. Notwithstanding the hazard to the intruder from the hazardous waste constituents, constraints placed on the total Cs-137 activity and concentration, and the waste form, can ensure that radiological exposures would not exceed those that would be received from residing over commonly-measured background Cs-137 concentrations in the United States (see discussion under ''Intruder Considerations'').

The following analyses will therefore be directed at an evaluation of the potential direct, water pathway, and intruder hazards and will provide a perspective on their significance.

Direct Exposure

After the inadvertent melting of a Cs-137 sealed source at an EAF or foundry, the relatively volatile Cs-137 will leave the furnace as an offgas and be commingled with the normal emission control dust. As a result, concentrations of Cs-137 contained in this dust (and other materials associated with furnace cleanup operations or subsequent dust recycle process streams) will increase. Thus, the rate of radiological exposure from this material will be similar in type, but different in magnitude, than that received from the typical background levels of Cs-137. Any change in magnitude of the exposures to workers at the disposal facility from this contaminated material when compared to the exposure received from typical emission control dust would depend on: (1) differences in Cs-137 concentrations; (2) variations in the physical/chemical properties of the materials disposed of; and (3) changes in worker time-integrated interactions with contaminated materials.

[12] A picocurie is one-trillionth of a curie and represents a decay rate of one disintegration every 27 seconds or 1/27 of a becquerel.

[13] Letter to William Lahs, Nuclear Regulatory Commission, from Andrew Wallo III, Department of Energy, dated May 20, 1993.

[14] Letter from James M. Taylor, Nuclear Regulatory Commission, to William Guerry, Jr., Collier, Shannon, Rill, and Scott, dated May 25, 1993.

[15] In the context used, the term ''non-dispersible'' means that any radiological impacts from resuspended material are inconsequential in comparison to the impacts from direct external exposures resulting from the emission of gamma radiation in the Cs-137 decay process.

The three key variables above are particularly important in the development of this technical position. Of significance to all three variables, the approach defined in the position calls for treatment (stabilization) of incident-related materials (to comply with requirements for land disposal of restricted waste) to take place ''under license,'' at the location where the material was generated, or at the site of a service contractor permitted for stabilization treatment of the material. Complying with the ''Treatment Standards for Hazardous Wastes,'' defined at 40 CFR 268.40, will result in a solid waste form from which exposure rates will be smaller than those originating from the hazardous waste form (e.g., dust) before treatment. More importantly, treatment of the contaminated materials, under license, will obviate the need to specifically address potential radiological exposures at unlicensed, RCRA-permitted, treatment facilities. Thus, under the approach of this technical position, any minimal exposure to workers who have not been trained in radiation safety would be limited to disposal operations.

Furthermore, because the origin of the Cs-137 contaminated materials is the result of a melting incident, upper bound values can be established for the volume, weight, radioactive material concentration, and total activity of the contaminated material, on an incident basis. The base case analysis in this appendix presumes that the contaminated material involves a volume of 40,000 cubic feet (1132 cubic meters), a weight of 2000 tons, and a total activity content of less than a 1 curie (37 gigabecquerels (GBq)) of Cs-137. These values are generally consistent with the particulars from the incidents that have occurred to date.

Within these constraints, the starting point in the direct exposure calculation is to estimate the radiation dose rate at a distance of 3.28 feet (1 meter) from the surface of a semi-infinite volume (i.e., infinite in areal extent and depth from the point of exposure) of solidified contaminated material.[16] The calculations assume that the initial Cs-137 contamination in all untreated dust is 100 pCi/g (3.7 Bq/g). Direct exposure results scale linearly for other concentration levels, if the waste configuration is unchanged.

Stabilization treatment,[17] conducted under a licensed radiation protection program, is achieved by mixing moist dust with additives (e.g., liquid reagent to adjust oxidation potential and portland cement/fly ash).[18] These additives (typically presumed to add 30 parts by weight to 100 parts of dust or contaminated material) would result in a solidified product that would contain Cs-137 concentrations at about 77 percent of initial concentrations (e.g., 77 pCi/g (2.84 Bq/g)). Because of allowable variations in the solidification processes (e.g., from the production of granularized aggregate to solidified monoliths), the bulk density of the solidified material can range from about 1.4 to 2.5 g/cm^3. A representative dose conversion factor[19] under these conditions (calculated at a density of 1.5 g/cm^3) would typically be less than 49 microrem/hour (µrem/hr) or 0.49 microsieverts/hour (µSv/hr), at a distance of 3.28 feet (1 meter) from the surface of a hypothetical semi-infinite volume of the solidified material.[20]

Because the quantities of treated dust and other incident-related materials are not semi-infinite in volume, the actual dose rate/distance relationships from finite volumes of contaminated materials will be less. The reduction can be calculated for various volumetric sources through the use of shape factors. Shape factors have been calculated for several configurations that are likely to occur during operations from the time the contaminated treated material is received at the RCRA-permitted disposal facility through its disposal. The shape factors can be determined from Figures 1 through 6 for various distances between a specific source configuration and an exposed individual. Typically, at a distance of 3.28 feet (1 meter), these factors range from about 0.03 to 0.5 (Figures 1 through 5), and have been calculated without accounting for the limited shielding provided by any packaging. As the distance from the contaminated materials increases to 9.84 feet (3 meters), the shape factors for these similar geometries become smaller, ranging from about 0.004 to 0.2. The largest *likely* dose rate potentially experienced by an individual involved in the disposal process, measured at 3.28 feet (1 meter), would be from the sides of large containers or shipments of contaminated materials, and would be expected to range from about 10 to less than 14 µrem/hour (0.14 µSv/hr) above background (typically 8 to 12 µrem/hr (0.08 to 0.12 µSv/hr).[21] From an open trench (Figure 4), filled with contaminated materials, the calculated dose rate would also be somewhat less than 13 µrem/hr (0.13 µSv/hr) measured directly over the trench at a 3.28 feet (1 meter) distance. Again, these values represent 0.77 of the respective values indicated on the figures because of solidification additives. Figures 6 and 7, respectively, show the variation in dose rate with the width of the trench and depth of the waste. Figure 8 is provided to show the change in dose rate versus the distance offset from the side of the trailer-type container considered in Figure 3.

A typical disposal rate at a trench within an RCRA-permitted facility would typically exceed 500 tons per shift.[22] Assuming this disposal rate of 500 tons per shift applies to the disposal of treated, Cs-137-contaminated, incident-related material (approximately 20 to 25 truckloads in 8 hours), it would require approximately 4 times this period of time to dispose of 2000 tons. (Note that the rate of arriving material would likely be dictated by transportation arrangements, so that the 32 hours required to dispose of the contaminated material could be spread over several days or weeks.) Facility workers, therefore, would, on average, only be exposed to finite volumes of contaminated material for a maximum period of 32 worker-hours. Applying the highest likely dose rate (approximately 13 µrem/hr (0.13 µSv/hr) from the side of a trailer containing the contaminated materials), and presuming exposure at a 3.28-ft (1-meter) distance for the entire 32-hour period, a worker would receive

[16] This assessment is generally consistent with the approach employed in ''Risk Assessment of Options for Disposition of EAF Dust Following a Meltdown Incident of a Radioactive Cesium Source in Scrap Steel,'' SELA–9301, Stanley E. Logan, April 1993.

[17] In the context of this position, stabilized treatment does not include either onsite or offsite high-temperature metals recycling processes.

[18] This treatment may include the addition of special stabilization reagents, such as clays, or involve other RCRA-approved stabilization technologies, that reduce the leachability of Cs-137, although the radiological impacts analysis indicates that such processes are not necessary to protect public health and safety, and the environment.

[19] A dose conversion factor represents a value that allows a radionuclide contamination level to be converted to an estimated exposure rate.

[20] The dose rates in this appendix have been calculated through use of the Microshield computer program, Grove Engineering, Inc., version 4.2, 1995. The value of 49 µrem/hour represents 0.77 of the 62.9 value shown on Figure 1.

[21] The two-thirds loading of the 30-cubic yard box is related to the typical maximum payload weight that can be transported by truck without an overweight permit. If the boxes referred to in Figures 1 and 2 were full, the dose rate would increase by less than a factor of 1.5. Similarly, if the assumed additive weight percent (i.e., 30 percent) is varied over a reasonable range from 20 to 40 percent, the resulting dose rate would change in an inversely proportional manner.

[22] Note that if treatment at an RCRA-permitted facility were required, the limiting operational handling rate for the treated materials may be limited to 100 to 200 tons per shift.

a dose of less than 0.5 mrem (5 μSv) above background.

Qualitatively descriptive time and motion data gathered from three RCRA-permitted disposal facilities indicate that the above-calculated dose is conservative for two principal reasons: (1) the workers having the most significant exposure to materials, from receipt to disposal, are effectively at greater distances than 3.28 feet (1 meter); and (2) their exposure is over time periods significantly less than the assumed receipt through disposal time period of 32 hours. As a result, actual exposures are expected to be significantly less than 0.5 mrem (5 μSv).

This conservative estimate of potential exposure is based on the aforementioned time-distance assumptions and is expected to bound reasonable interactions of disposal facility workers with the treated (stabilized) incident-related materials. For example, incident-related material could be stored at the disposal site or samples of the treated material could be subjected to sampling activities. In the first case, if a 90-day storage period is presumed, the average exposure distance over the entire period needed to ensure a dose less than the position's exposure criteria would be on the order of 10 to 20 meters (see Figures 1 through 3 which illustrate the decrease in dose rate as a function of distance from the source). In the second case, the typical activity in a 100 gram sample would be no greater than about 10^{-2} μCi (370 Bq). The dose rate from such a sample would be less than 0.1 μrem/hr (0.001 μSv/hr) at a distance of 1 foot (0.3 meters).

To place the significance of this calculation into perspective, an estimate can be made of worker exposure from the presumed handling, treatment, and disposal of normal emission control dust (i.e., dust that has not been contaminated with Cs-137 from a melted source). This dust would contain background levels of Cs-137 (approximately 1 pCi/g (0.037 Bq/g)). Therefore, a worker interacting with this material at an effective distance of 3.28 feet (1 meter) over about 300 8-hour shifts (a little more than a working year) would receive a total maximum exposure about 0.5 mrem (5 μSv). The magnitude of this exposure is in the same range as the exposure calculated for the disposal of the contaminated materials from a single melting event. Moreover, the potential exposure from the ''melting event'' was estimated under the extremely conservative assumption that all materials were contaminated at levels of 100 pCi/g (3.7 Bq/g).

The imposition of a 1-curie (37 GBq) criterion on the total incident-related activity that could be disposed of at any one Subtitle C, RCRA facility (see following discussion on water-pathway considerations) should further ensure that worker exposures from Cs-137 contaminated emission control dust and other incident-related materials will not exceed 1 mrem/year (10μSv/year) integrated over the lifetime of the facility.

Water-Pathway Considerations

The proposed approach to manage Cs-137 contaminated emission control dust and other incident-related materials presumes licensee treatment of these materials to comply with requirements for land disposal of restricted waste. Thus, the hazardous radiological and chemical constituents of these materials will be incorporated into a stable, solid (e.g., cement-type) form, similar to that required for routine RCRA-permitted disposal of emission control dust. As a result, the possibility of Cs-137 presenting a hazard through a water pathway requires consideration of: (1) the quantity of Cs-137 available; (2) the degree to which the Cs-137 could be leached from its waste matrix; and (3) the extent that any leached Cs-137 could migrate into a water supply.

The disposal of Cs-137 in treated emission control dust and other incident-related materials would be constrained by this policy to a total activity of 1 curie (37 GBq). In the previous reference-basis analysis, an effective concentration, in the treated waste, of 77 pCi/g (2.84 Bq/g) was evaluated—the originally assumed contaminated material concentration reduced by 30 percent as a result of the added mass associated with treatment. Both the quantity and position-defined concentration values place bounds on any potential water pathway hazard. In the actual wastes that are subject to potential disposal under the provisions of this position, the concentration of Cs-137 averaged over all the treated waste would typically be significantly less than the defined concentration criteria.

Furthermore, because the Cs-137 is contained in a solid matrix and buried within a facility in which the amount of water infiltration is minimized, any Cs-137 removal from its final disposal location would be limited while these conditions remain in effect. The chemistry of any water interacting with the solidified, Cs-137-contaminated waste would also be expected to limit the leaching process (e.g., avoidance of acidic environments), because of the controlled nature of the Subtitle C, RCRA-permitted disposal site and the types and nature (e.g., no liquids) of the wastes accepted for disposal. Any water that leached Cs-137 from the waste would normally be collected in a leachate collection system at volumetric concentrations expected to be far less than that existing in the treated waste. The chemistry of the fill materials used at the disposal site could also provide a sorbing medium if any Cs-137 leached from the solidified waste. Finally, the location of Subtitle C, RCRA-permitted disposal sites is such that the source of any water supply would typically be some distance from the disposal site.

These chemistry and distance factors are also likely to be major factors in delaying the arrival of Cs–137 at a receptor well because of retardation effects. This retardation, in terms of its effect on the time required, under a worst-case scenario, for the Cs–137 to reach a water supply, is such that significant radioactive decay of the Cs–137 inventory is likely (the radioactive half-life of Cs–137 is 30 years) before this pathway could potentially pose a hazard.

Although qualitative in nature, and based on considerations that can vary among Subtitle C, RCRA-permitted disposal sites, the discussion has focused on the factors that are likely to prevent any significant water-pathway hazard. The following, more quantitative assessment, is provided to conservatively bound any water-pathway hazard that could potentially occur under extremely unlikely conditions, and provides the technical basis for NRC's position.

The leachability of Cs–137 from any solid waste form that allows compliance with the land disposal restrictions for the waste's non-radiological hazardous constituents is likely to be extremely limited after initial waste placement. After the end of operations and a post-closure care period of 30 years, a worst-case scenario presumes that processes take place to degrade the site so that infiltrating water from the surface passes unimpeded through the contaminated waste. In predicting the dissolution of Cs–137 under these conditions, a critical process is the partitioning of the Cs–137 that takes place between the waste, soil, and infiltrating water. Conservatively assuming that the partitioning from the solid waste form is similar to that from the interstitial backfill soil to water, an estimate can be made of the amount of Cs–137 that can leach into the infiltrating water.

The most important parameter in estimating this transfer, as well as the subsequent movement of the Cs–137 in groundwater, is the distribution

coefficient, K_d. This parameter expresses the ratio at equilibrium of Cs–137 sorbed onto a given weight of soil particles to the amount remaining in a given volume of water. The higher the value of the distribution coefficient, the greater the concentration of Cs–137 remaining in the soil. The K_d value can be affected by factors such as soil texture, pH, competing cation effects, soil porewater concentration, and soil organic matter content.[23] For the non-acidic, sand/clay/soil environments presumed to represent the RCRA-permitted disposal facilities, a K_d value of 270 milliliter (ml)/g was selected from the Footnote 23 reference as being appropriate for the subsequent bounding, conservative analysis.

To model the potential groundwater impacts, the RESRAD[24] code was used. For the representative case, the bounding 40,000 cubic feet (ft^3) or 1132 cubic meters (m^3) of treated material were presumed to be disposed of in a volume measuring 100-ft (30.4–m) length x 20-ft (6.09–m) width × 20-ft (6.09–m) depth. All this material was assumed to contain a Cs–137 concentration of 77 pCi/g (2.84 Bq/g). Notwithstanding the actual layouts of Subtitle C, RCRA-permitted facilities, a well was presumed to be located and centered at the downgradient edge of this specific volume of waste. To maximize the hazard as calculated by the RESRAD model, the hydraulic gradient was considered to be parallel to the length of the disposed volume. Infiltration representative of a humid site was presumed and a minimal unsaturated zone thickness of 3.28 ft (1 m) was assumed to separate the contaminated zone from the saturated zone. The value assigned to K_d in the unsaturated zone was 270 ml/g. Assessments beyond this representative case evaluation are subsequently discussed.

The results from this bounding analysis indicate that drinking water dose rate would be insignificant (e.g., far less than a microrem (10^{-2} μSv) per year). This result is not surprising because the retardation provided, even in the 3.28-ft (1–m) deep unsaturated zone and the saturated zone, are sufficient to preclude drinking water doses for almost 700 years. During this period, the activity of Cs–137 would decay (i.e., be reduced by radioactive decay) by a factor of about 10 million.

Note that, although it is considered an unrealistic scenario, the drinking of the leachate directly from the disposal trench after a period of 30 years would only result in a calculated exposure of about 7 mrem/year (70 μSv/year).[25]

To consider the effects of a range of parameters, including other K_d values, on the results of this bounding analysis, the following analyses are presented. Based on the typical existing volumes and Cs–137 concentrations of incident-related materials, the imposition of a constraint on Cs–137 concentration effectively bounds the total activity that could be disposed of at a Subtitle C, RCRA-permitted facility from a single steel company site to a few tens of millicuries.[26] Material at higher concentrations would require disposal at either a mixed-waste disposal facility or a licensed low-level radioactive waste disposal site. Thus, for the potential disposals at the Subtitle C, RCRA-permitted site to approach the 1 curie (37 GBq) incident-related material constraint in this position, disposals of materials from several incidents would have to occur. The total volume of material, in this case, would still represent only a small fraction of a RCRA-permitted facility's disposal capacity. Repeating the RESRAD analysis discussed above under these assumptions, but respectively considering lower K_d values in the contaminated, unsaturated, and saturated zones, would still result in drinking water doses of less than 1 mrem (10 μSv) per year unless the K_d values in all zones approach single digit values. Even in these cases (e.g., K_d equal to 2.7), separation of the hypothesized well location from the disposed material by about 100 meters (328 ft) would reduce dose rates below 1 mrem (10 μSv) per year because of the decay of Cs–137 brought about by the increased retardation times.

The concentration constraints in this position, coupled with the limited number of inadvertent melting situations to which this position could be applicable, and the case-by-case NRC or Agreement State approval of the proposed material transfers are believed to provide a sufficient basis to ensure protection of public health and safety, and the environment from water-pathway considerations. Nevertheless, to provide further protection, should a single Subtitle C, RCRA-permitted disposal facility accept incident-related material from more than one incident, the position includes a total Cs–137 incident-related activity constraint of 1 curie (37 GBq). The magnitude of this constraint is based on the typical bounding activity associated with an inadvertent melting of Cs–137 sources that have occurred to date at EAFs or foundries. In large measure, it has been included to provide assurance that the position is only directed at the ultimate disposition of radioactive material that exists in the environment as a result of specific inadvertent melting incidents. However, it also provides a constraint on the extent of volumetric contamination as a function of concentration. The practical effect, as previously alluded to, is to limit the disposal volumes of incident-related contaminated materials to a small fraction of total disposal site capacity for hazardous waste. As a result of this volumetric limit, the constraint would further ensure that any exposures occurring offsite over the operating life of the Subtitle C, RCRA-permitted facility would be equal to or less than 1 mrem/year (10 μSv/year), if integrated over the facility's operating life.

Again, the activity constraint and the water pathway considerations can be placed in perspective by evaluating the potential normal disposal of EAF emission control dust at a Subtitle C, RCRA-permitted facility. If this dust includes a background Cs–137 concentration of 1 pCi/g (0.037 Bq/g), and the facility can treat 200 tons of dust per day, the total quantity of Cs–137 disposed of annually would be about 50 mCi (1.85 GBq). Thus, over a facility operating period of about 20 years, the total quantity of Cs–137 disposed of could equal the 1-curie (37 GBq) incident-related material activity constraint.

Intruder Considerations

In the development of its licensing requirements for land disposal of radioactive waste in 10 CFR Part 61, NRC considered protection for individuals who might inadvertently intrude into the disposal site, occupy the site, and contact the waste. In the context of this position, this possibility has been considered although the greater risk to the intruder would likely result from the non-radiological hazardous constituents at the site.

In the intruder scenarios applied in the development of NRC's low-level

[23] "Default Soil Solid/Liquid Partition Coefficients, K_ds, for Four Major Soil Types: A Compendium," M. Sheppard and D. Thibault, *Health Physics*, Vol. 59, No. 4, October, 1990, pp. 471–482.

[24] RESRAD, Version 5.0, Argonne National Laboratory, September 1993.

[25] This dose estimate is based on comparing leachate concentrations with the water effluent concentration in 10 CFR Part 20, Appendix B.

[26] For example, the total activity contained in 2000 tons of material, contaminated at a level of 77 pCi/g, would be about 0.14 curies (5.2 GBq). It would be unlikely that all the material from a particular incident would be at the maximum concentration defined in the technical position.

waste standards,[27] an inadvertent intruder was assumed to dig a 3-meter (9.9 ft) deep foundation hole for construction of a house. The top 2 meters (6.6 ft) of the foundation were assumed to be trench cover material and the bottom 1 meter (3.28 ft) was assumed to be waste. Based on the details of the scenarios, which included these and other considerations, the intruder interacted with material whose concentration had been reduced from the waste concentration by a factor of 10. Presuming similar scenarios and assuming intrusion occurs immediately after a post-closure care period of 30 years, the intruder would be exposed to a Cs–137 concentration of about 4 pCi/g (0.15 Bq/g); that is, 77 pCi/g (2.84 Bq/g) reduced by the factor of 10 and an additional factor of 2 to account for radioactive decay). Even for this worst-case situation in which all the incident-related waste was presumed to have initial Cs–137 concentrations of 77 pCi/g (2.84 Bq/g), the projected intruder exposure would range from 0.8 to 3.8 mrem (8 to 38 μSv/year).[28] As noted above, the average concentrations over large volumes of incident-related material would be expected to be far less than 77 pCi/g (2.84 Bq/g).

Conclusions

These bounding analyses indicate that some significant volume of Cs–137-contaminated emission control dust and other incident-related materials from an inadvertent melting of a sealed source can be disposed of at a Subtitle C, RCRA-permitted facility with negligible impacts to public and worker health and safety and the environment. This method for disposal, if implemented according to the limitations stipulated in this position, is very unlikely to cause worst-case exposures that exceed 1 mrem (10 μSv) to any worker at the disposal facility or to any member of the public in the vicinity of the facility. The design, operations, and post-closure activities that take place at Subtitle C, RCRA-permitted facilities will ensure that radiological impacts from Cs–137 will also be negligible in future timeframes. Proper disposal of these materials would protect public health and safety, and the environment to a greater degree than the alternative of indefinitely storing these materials at a steel company facility. The calculated public health and safety and environmental impacts of disposition of specified incident-related materials at a Subtitle C, RCRA-permitted facility can also be used to determine an optimum course for disposal, if disposition alternatives exist.

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[27] See NUREG–0782, vol. 4, Draft Environmental Impact Statement on 10 CFR Part 61, ''Licensing Requirements for Land Disposal of Radioactive Waste,'' September 1981.

[28] These estimates are based on the concentration to dose conversion values in NUREG–1500, ''Working Draft Regulatory Guide on Release Criteria for Decommissioning: NRC Staff's Draft for Comment,'' August 1994. Appropriate adjustments of the tabulated information were made to reflect the occupancy and shielding assumptions made in NUREG–0782 (see Footnote 24).

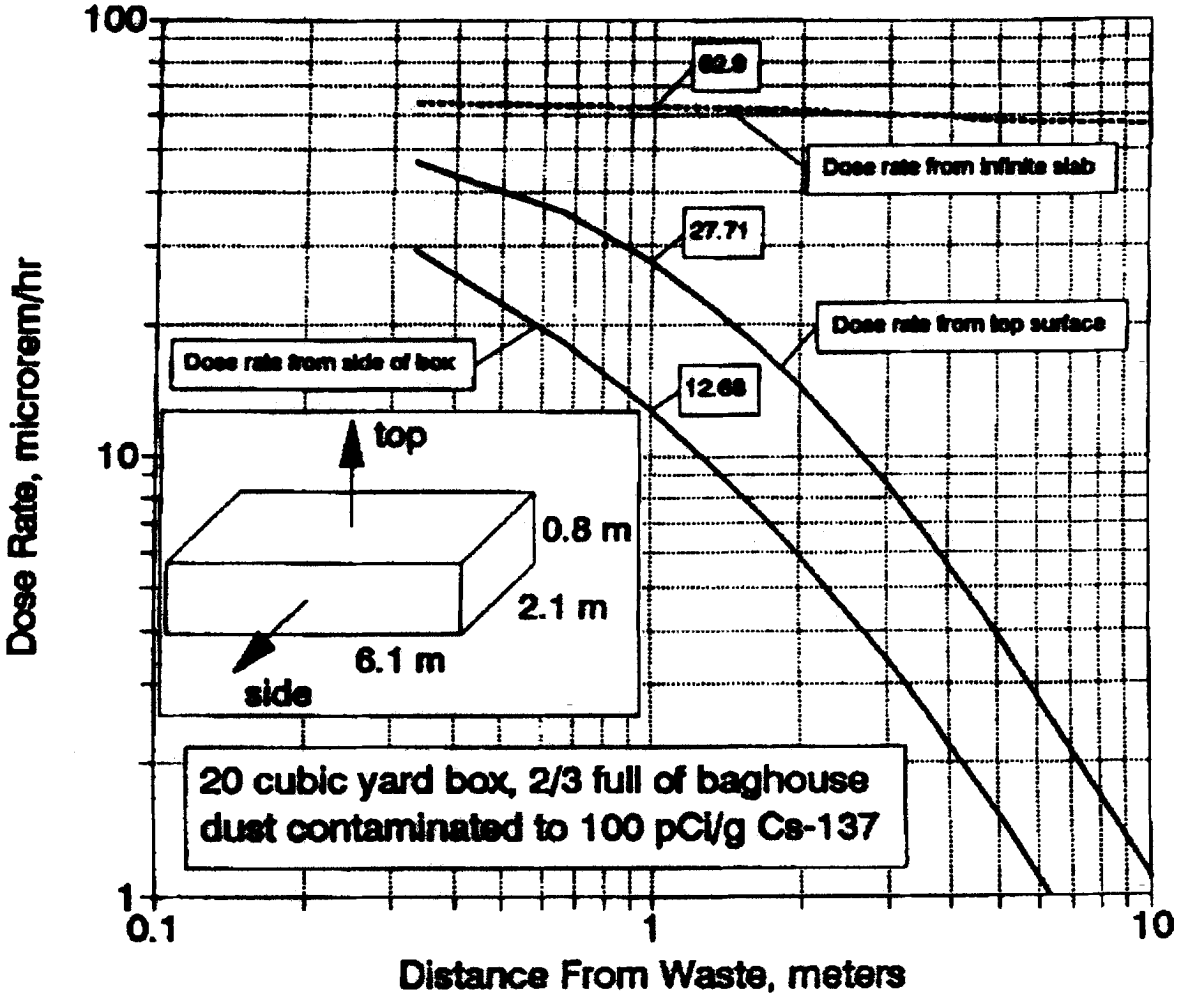

Figure 1. Shape Factor Plot for 20 Cubic Yard Container

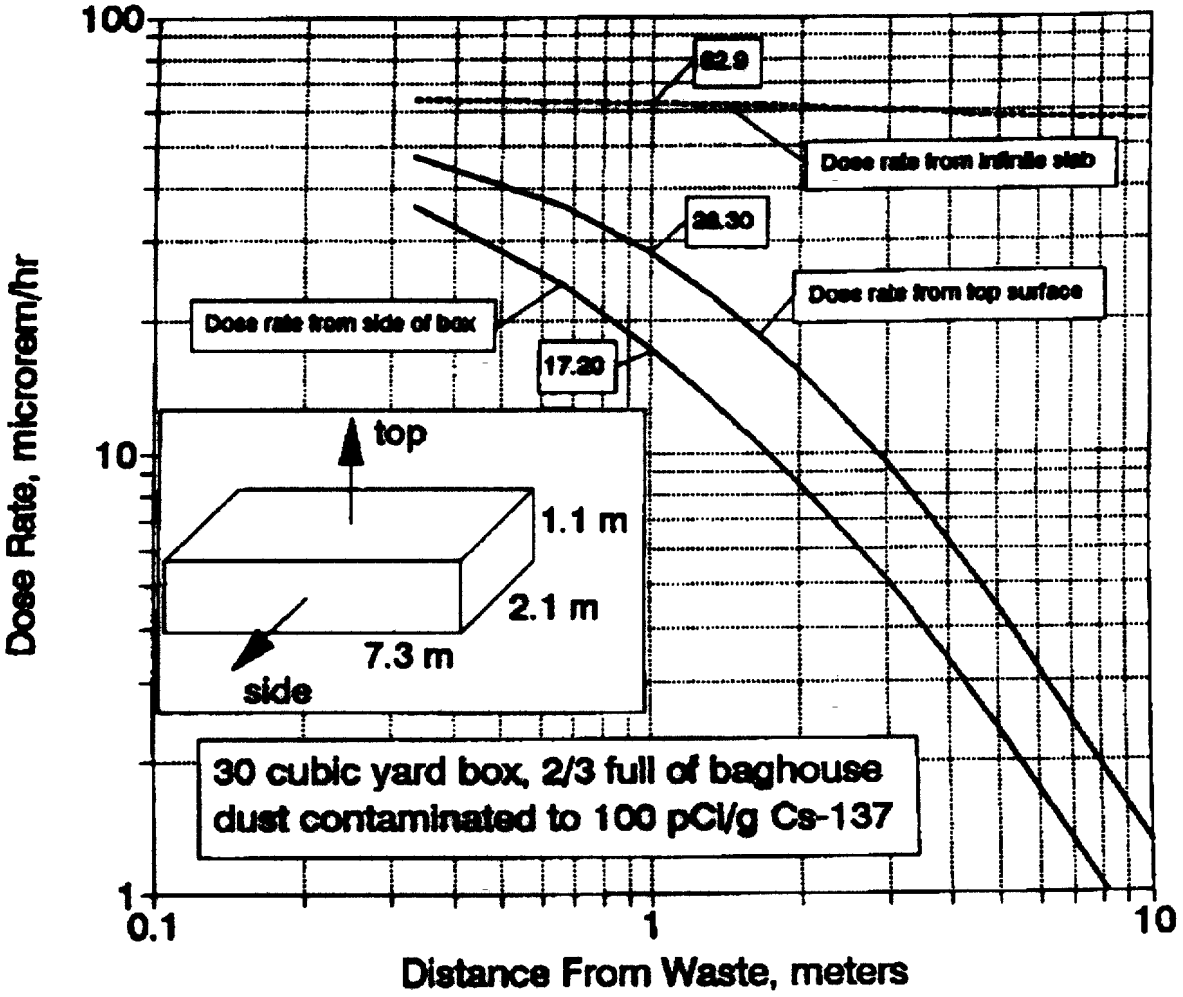

Figure 2. Shape Factor Plot for 30 Cubic Yard Container

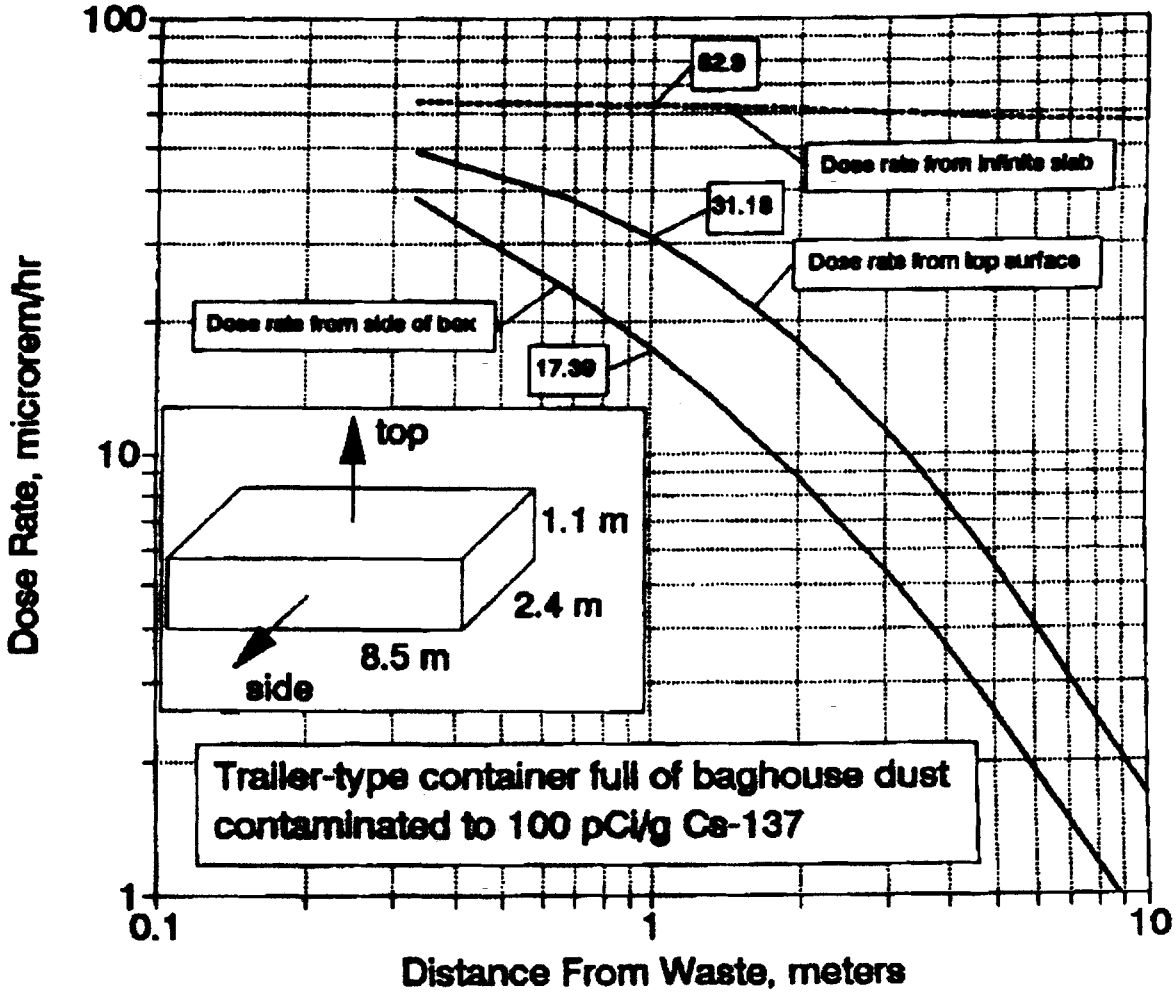

Figure 3. Shape Factor Plot for Trailer-Type Container

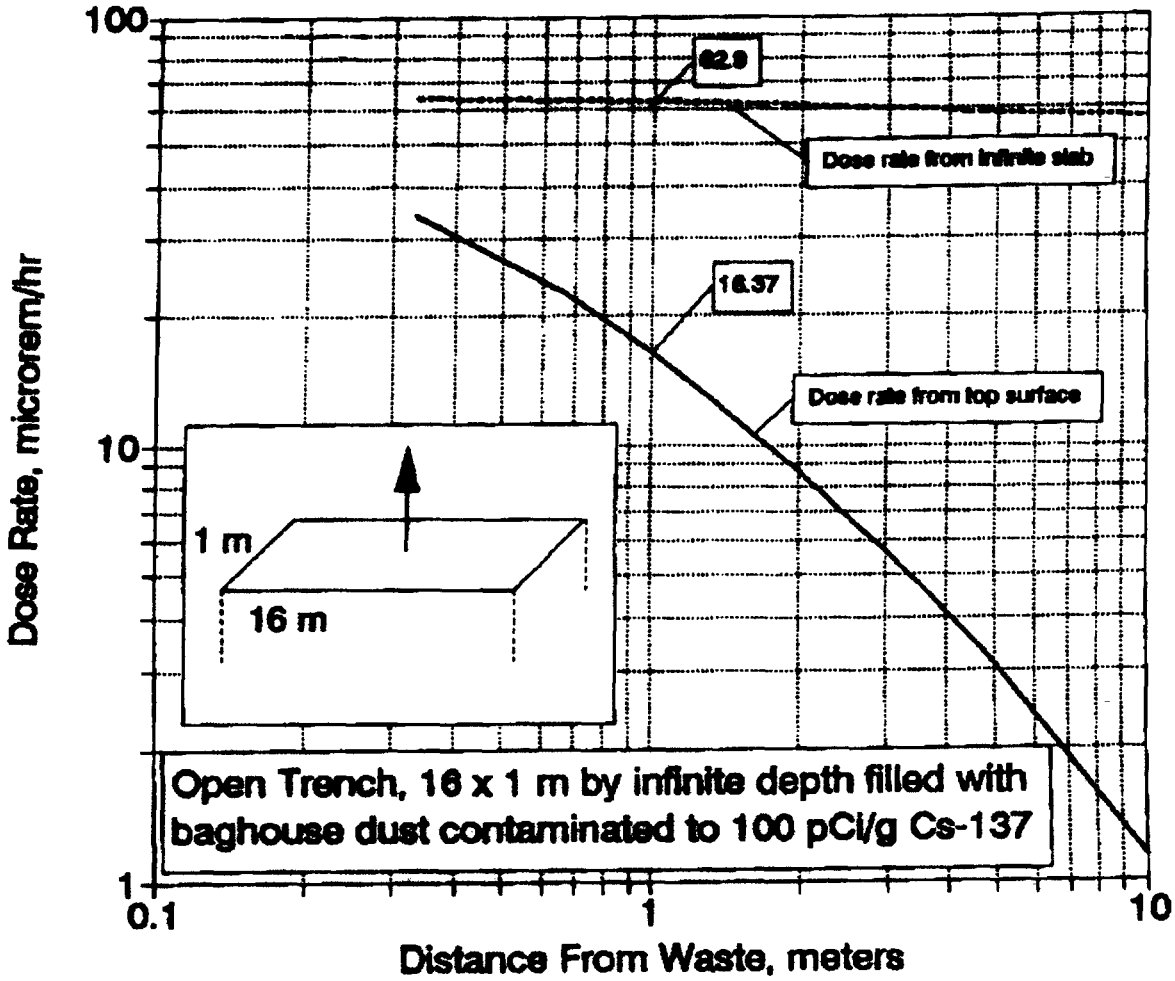

Figure 4. Shape Factor Plot for Reference Open Trench

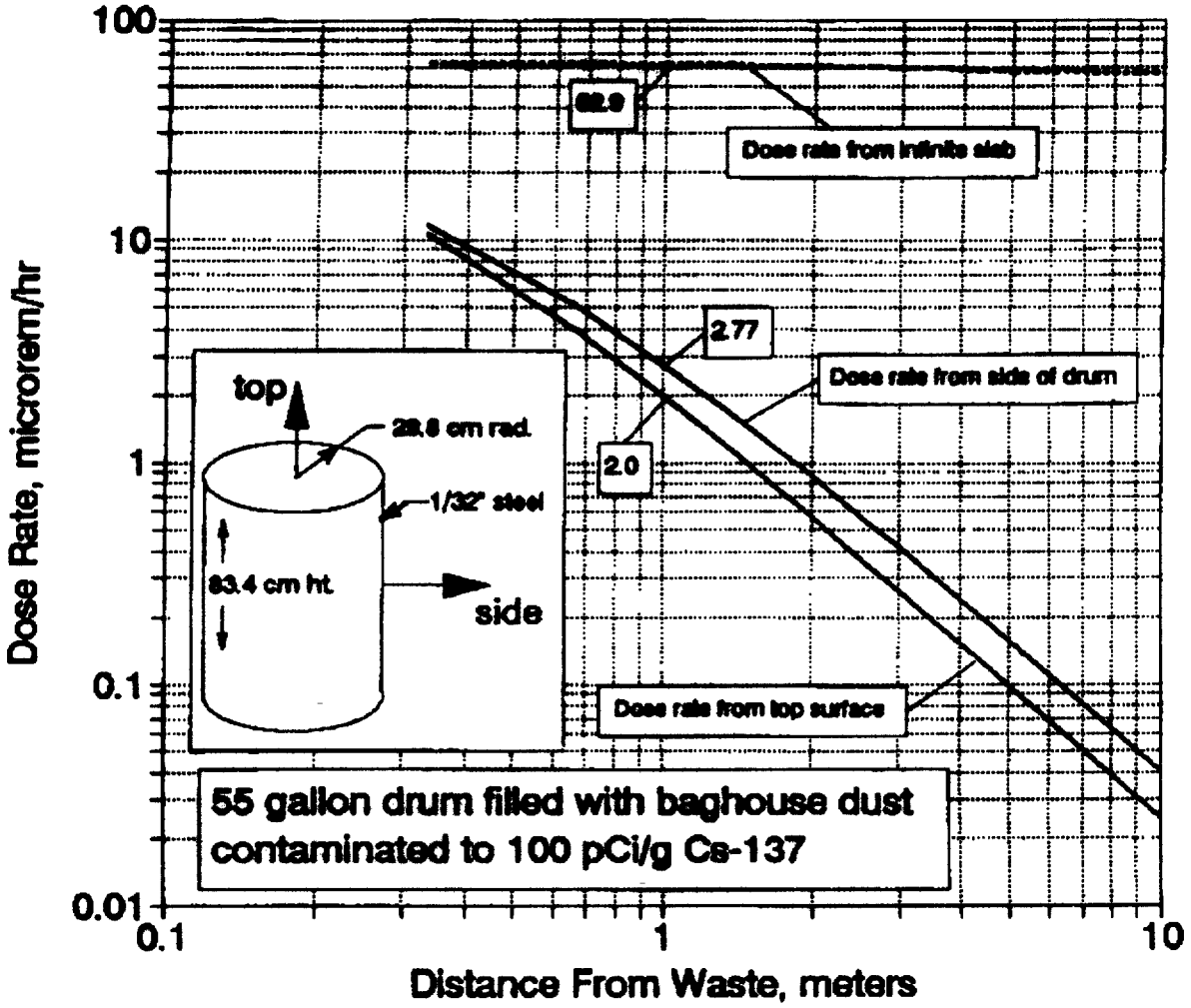

Figure 5. Shape Factor Plot for Standard 55 Gal. Drum

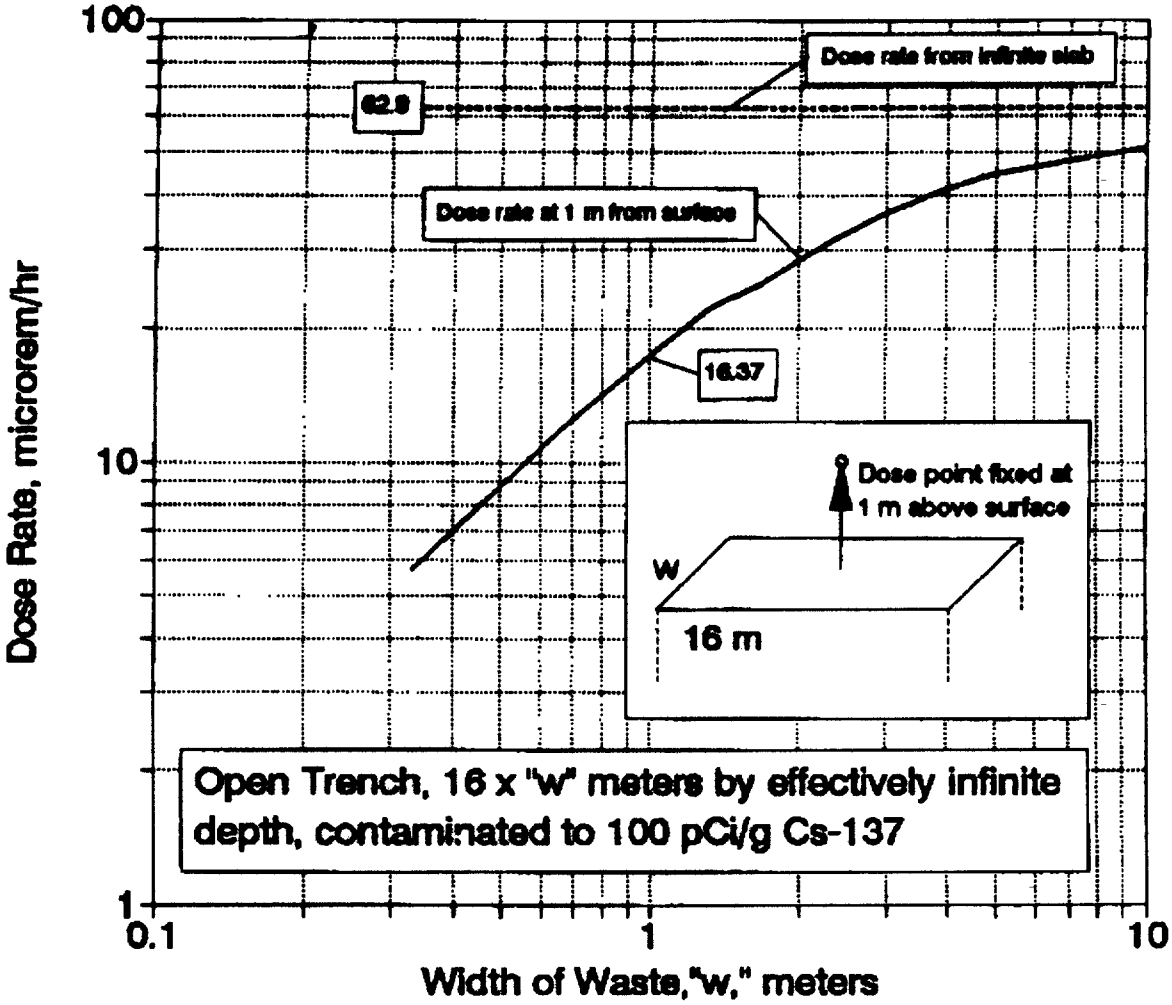

Figure 6. Dose Rate as a Function of Trench Width

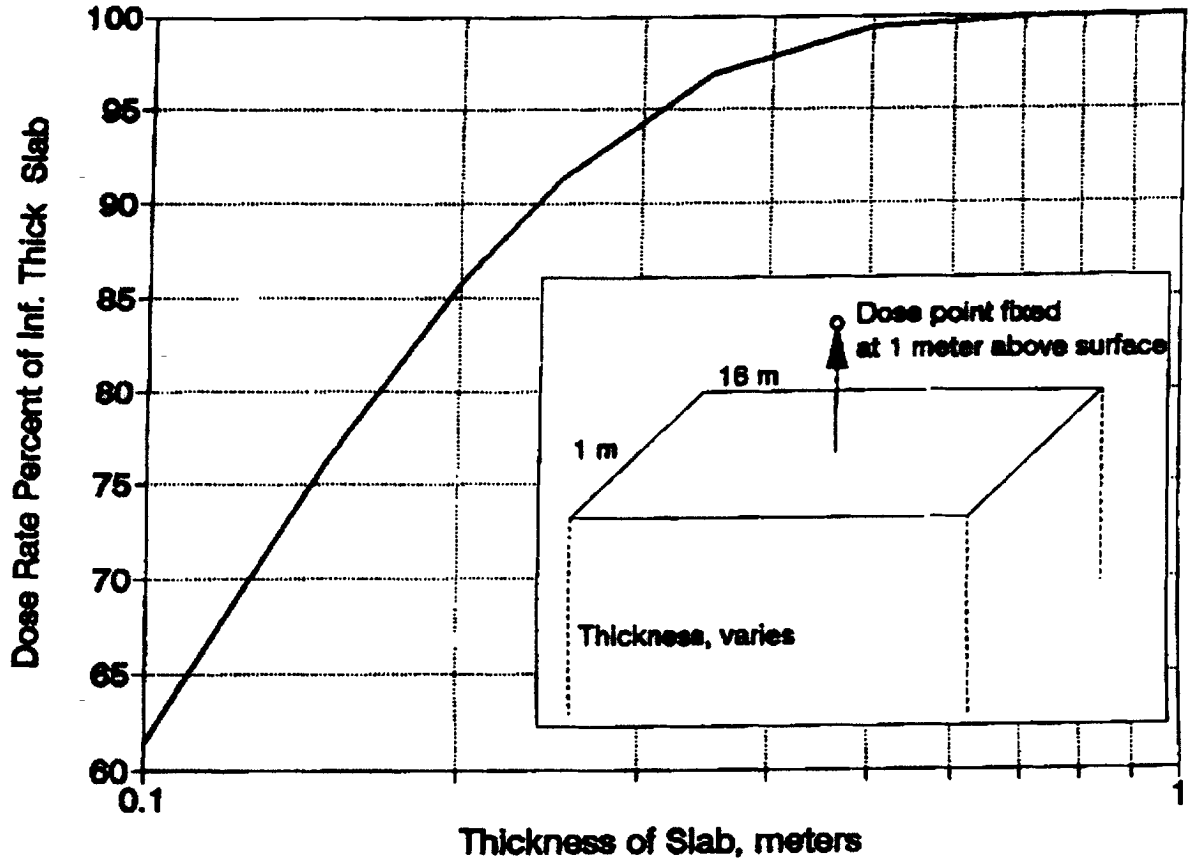

Figure 7. Dose Rate (Expressed as a Percentage of an Infinite Slab Dose Rate) as a Function of Trench Thickness

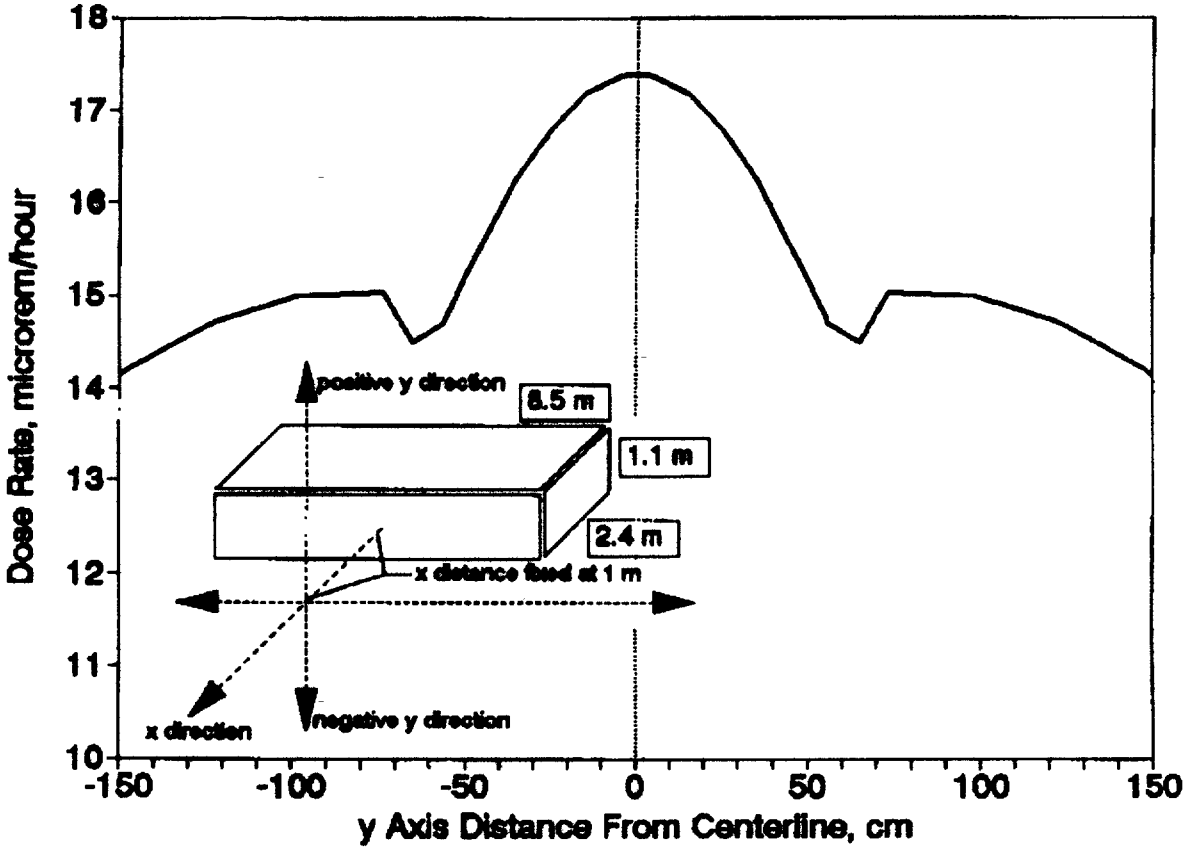

Figure 8. Dose Rates as a Function of Vertical Distance Offset from Center Point of Trailer-Type Container

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Dated at Rockville, Maryland, this 11th day of January, 1996.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–703 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–O

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 21, 1995, through January 4, 1996. The last biweekly notice was published on January 3, 1996 (61 FR 174).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By February 21, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248–5100 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment 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 for the particular facility involved.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona.

Date of amendments request: December 19, 1995

Description of amendments request: The proposed amendments would allow the implementation of the recently approved Option B to 10 CFR Part 50, Appendix J. This new rule allows for a performance-based option for determining the test frequency for containment leakage rate testing. The proposed amendment would modify Technical Specifications (TS) 1.7, 3/4.6.1.1, 3/4.6.1.2, 3/4.6.1.3, and 3/4.6.3 and the Bases of TS 3/.6.1.2. It would also create a new TS 6.16.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed Technical Specification (TS) changes will result in generally increased intervals between containment leakage rate tests determined through a performance based approach. The interval between such tests are not related in any way to conditions which cause accidents. Plant structures, systems, and components will not be operated in a different manner as a result of the proposed TS change, therefore, the proposed changes will not increase the probability of an accident previously evaluated.

Containment leakage may result from accidents which are evaluated in the Updated Final Safety Analysis Report. The proposed TS changes may result in a small, but acceptable, increase in post-accident containment leakage. This increase is calculated as a statistical expectation using the probability that leakage through a penetration will exceed the administrative limit and through the increased time needed to detect such excess leakage. NUREG–1493, which is the technical basis for 10 CFR Part 50, Appendix J, Option B, contains a detailed evaluation of the expected leakage and its consequences.

The increased risk due to the lengthening of the intervals between Type A, B, and C leakage rate tests is also evaluated in NUREG–1493. Using a statistical approach, NUREG–1493 determined that the increase in expected dose to the public, resulting from extending the testing interval, is extremely small. NUREG–1493 concluded that the small increase is justifiable due to the benefits which accrue from interval extension. The primary benefit is the reduction in occupational exposure. The reduction, on a per person basis, is orders of magnitude greater than the marginal, potential increase in dose to the public. The reduction in occupational exposure is a real reduction, while the small increase in dose to the public is statistically derived using conservative assumptions. Therefore, the proposed change does not significantly increase the consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated. The proposed change only incorporates the performance based approach authorized in the new Option B to Appendix J of 10 CFR Part 50. The interval extensions allowed, through this approach, do not have the potential for creating the possibility of new or different kinds of accidents from those previously evaluated. Plant structures, systems, and components will not be operated in a different manner as a result of the TS change and, therefore, will not introduce any new or different failure modes or initiators.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed Technical Specification does not alter the allowable containment leakage rate. The proposed change replaces the current, prescriptive testing requirements with a new performance based approach for establishing the testing intervals therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involve no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Project Director: William H. Bateman.

Baltimore Gas and Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland.

Date of amendment request: December 21, 1995.

Description of amendment request: The proposed amendment would revise the Calvert Cliffs Nuclear Power Plant,

Unit No. 1, Technical Specifications (TSs). The requested change would allow the use of cladding materials other than Zircaloy or ZIRLO. A Temporary Exemption was issued on November 28, 1995 (60 FR 62483) approving the loading of four (4) lead fuel assemblies (LFAs) into the Unit No. 1 reactor vessel during cycles 13, 14, and 15. The technical basis for the Exemption, which is the same basis for the requested TS amendment, was provided in the Baltimore Gas and Electric Company (BGE) submittal dated July 13, 1995. The submittal addressed the safety significance of operating with 4 LFAs in Calvert Cliffs Nuclear Power Plant, Unit No. 1, reactor vessel during cycles 13, 14, and 15.

Specifically, BGE proposes to add a statement to TS 5.2.1, ''Fuel Assemblies,'' indicating, for Cycles 13, 14, and 15 only, advanced cladding material may be used in 4 lead test assemblies as described in a approved Temporary Exemption dated November 28, 1995.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is to add an approved temporary exemption to the Unit 1 Technical Specifications allowing the installation of four lead fuel assemblies. These four assemblies use an advanced cladding material which is not specifically permitted by existing regulations or Calvert Cliffs' Technical Specifications. A temporary exemption to allow the installation of these assemblies was approved on November 28, 1995. The addition of this approved temporary exemption to Technical Specification 5.2.1 is simply intended to allow their installation under the provisions of the temporary exemption. The license amendment is effective only as long as the exemption is effective. The addition of the approved temporary exemption to Unit 1 Technical Specification 5.2.1 does not change the probability or consequences of an accident previously evaluated.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed Technical Specification change adds an approved temporary exemption to Technical Specification 5.2.1 for Unit 1. This change does not add any new equipment, modify any interfaces with existing equipment, change the equipment's function, or change the method of operating the equipment. The proposed change does not affect normal plant operations or configuration. Since the proposed change does not change the design, configuration, or operation, it could not become an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

The proposed change is to add an approved temporary exemption to the Unit 1 Technical Specifications allowing the installation of four lead fuel assemblies. These four assemblies use an advanced cladding material which is not specifically permitted by existing regulations or Calvert Cliffs' Technical Specifications. A temporary exemption to allow the installation of these assemblies was approved on November 28, 1995. The addition of this approved temporary exemption to Technical Specification 5.2.1 is simply intended to allow their installation under the provisions of the temporary exemption. The license amendment is effective only as long as the exemption is effective. This amendment does not change the margin of safety by adding a reference to an approved, temporary exemption to the Technical Specifications.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Ledyard B. Marsh.

Duke Power Company, Docket Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units 1, 2 and 3, Oconee County, South Carolina.

Date of amendment request: December 7, 1995.

Description of amendment request: The proposed amendments will remove the Technical Specification (TS) requirements for the main feedwater pump discharge pressure switch input to the Anticipatory Reactor Trip System (ARTS) and the Emergency Feedwater System (EFDW).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated:

No. The accidents addressed within the Oconee Final Safety Analysis Report (FSAR) have been reviewed with respect to this proposed Technical Specification amendment request. The probability or consequences of any accident previously evaluated is not significantly increased by the proposed amendment. Emergency Feedwater is required for the mitigation of some accidents and the availability of this system will be unaffected by this proposed revision. Both manual and automatic actuation of the EFDW system on a loss of main feedwater will remain.

(2) Create the possibility of a new or different kind of accident from any kind of accident previously evaluated:

No. This amendment eliminates a portion of the automatic actuation circuitry for EFDW and ARTS. This circuitry removal does not create the possibility of a new or different kind of accident as the design of the circuitry is to sense a loss of main feedwater and supply a signal for the initiation of ARTS and EFDW. A loss of main feedwater signal will continue to be supplied to ARTS and EFDW; however, this loss will be sensed by low hydraulic oil pressure on the Main Feedwater Pumps (ARTS and EFDW) and low steam generator level (EFDW only) rather than by a low Main Feedwater Pump discharge pressure. Since a loss of Main Feedwater will continue to be recognized, the system will continue to function as before. Hence, no new or different accidents will be created.

(3) Involve a significant reduction in a margin of safety.

No. The margin of safety will not be significantly reduced as an actuation signal to ARTS and EFDW will continue to be generated by a loss of Main Feedwater. Consequently, ARTS and EFDW will continue to perform the safety function required for accident mitigation.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: Herbert N. Berkow.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida.

Date of amendment request: November 22, 1995.

Description of amendment request: The proposed amendments will upgrade existing TS [Technical Specification] 3/4.4.6.1 for the Reactor Coolant System Leakage Detection Instrumentation by adapting the Standard Technical Specifications for Combustion Engineering Plants (NUREG–1432), Specification 3.4.15, to both St. Lucie units. The proposal is consistent with the NRC Final Policy Statement on Technical Specifications Improvements (58 FR 39132).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Reactor Coolant System (RCS) Leakage Detection Instrumentation Systems are not accident initiators, and their operational status is not a consideration in determining the probability of occurrence of accidents previously evaluated. The proposed revision to the related Limiting Condition for Operation (LCO) 3/4.4.6.1 does not involve a change to the configuration or method of operation of any equipment that is used to mitigate the consequences of an accident, nor do the changes alter any assumptions made involving initial plant conditions in the safety analyses. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revision to LCO 3/4.4.6.1 is administrative in nature and will not result in a change to the physical plant or the modes of plant operation defined in the Facility License. The revision does not involve the addition or modification of equipment nor does it alter the design of plant systems. Therefore, operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The RCS Leakage Detection Systems are designed to provide diverse methods to assist in the detection and location of unidentified leakage that may be associated with potential pressure boundary degradation. These systems provide no equipment control or accident mitigation functions, and are not associated with the safety margin established for protection from analyzed Loss of Coolant Accidents. The proposed revision to LCO 3/4.4.6.1 does not alter the basis for any technical specification that is related to the establishment of, or the maintenance of, a nuclear safety margin; and simply adapts the corresponding and previously reviewed specification from the Standard Technical Specifications for Combustion Engineering Plants, NUREG–1432, to the St. Lucie units. Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Based on the above discussions and the supporting Evaluation of Technical Specification changes, FPL has determined that the proposed license amendment involves no significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954–9003.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: David B. Matthews, Director.

GPU Nuclear Corporation, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey.

Date of amendment request: December 5, 1995.

Description of amendment request: The proposed amendment revises the submittal date in the Annual Exposure Data Report which brings Oyster Creek into conformance with 10 CFR 20.2206 and relaxes an overly restrictive administrative requirement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

. . . The changes do not:

1. Involve a significant increase in the probability or the consequence of an accident previously evaluated.

This change is administrative in nature and has no effect on the operation of the plant. This change will not increase the probability or consequence of an accident previously evaluated.

2. Create the possibility a new or different kind of accident from any previously evaluated.

Operation of the facility in accordance with this proposed change will not create the possibility for an accident or malfunction of a different type from any accident previously evaluated. The proposed amendment does not modify any system (component) operation or maintenance activity. The facility will continue to be operated within the limits of existing accident analysis and margins of safety.

3. Involve a significant reduction in a margin of safety.

This change brings the submittal date for the Annual Exposure Data Report into conformance with 10 CFR 20.2206 and relaxes an overly restrictive administrative requirement. Since the proposed change does not alter any system hardware or design basis, the margin of safety is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

Attorney for licensee: Ernest L. Blake, Jr., Esquire. Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Phillip F. McKee.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa.

Date of amendment request: November 15, 1995.

Description of amendment request: The proposed amendment would revise the requirements for the End of Cycle Recirculation Pump Trip logic to match more closely the assumptions applicable to the turbine trip events for which it was installed. The surveillance requirements are also proposed to be revised, based on those same assumptions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specification (TS) amendment will not significantly increase the probability or consequences of any previously evaluated accidents. The [End of Cycle] (EOC) [recirculation pump trip] RPT system was installed to preclude

violation of reactor fuel limits, and the system will be preserved for that purpose. In the event that system is not available, an operating penalty will be imposed on the [Minimum Critical Power Ratio] MCPR limit to assure sufficient margin to the limit to preclude fuel damage during the postulated turbine trip events.

The change to the ''Minimum Operable Channels per Trip System'' will assure that inputs monitoring both the turbine control valve fast closure and the turbine stop valve closure will be available to initiate (EOC)RPT.

The change to the ''Applicable Operating Mode'' is an editorial change which reflects the existing hardware bypass.

The change to Action 81 in TS Table 3.2–G will assure that when the (EOC)RPT system does not meet the minimum TS availability requirements, the [safety limit minimum critical power ratio] SLMCPR will not be challenged. By imposing an [operating limit minimum core power ratio] OLMCPR penalty for continued operation, the fuel thermal limits will not be challenged, since the (EOC)RPT system was installed to accomplish the same goal. No increase in the consequences of the turbine trip events will result from this change. The OLMCPR penalty is dependent on cycle-specific parameters and will therefore be included in the cycle-specific [Core Operating Limits Report] COLR.

The change to the surveillance interval results in (EOC)RPT logic channel functional tests being performed once per quarter instead of once per month. The change also revises the allowed out-of-service time (AOT) for testing from two hours to six hours. These changes are consistent with the Improved Standard Technical Specifications, NUREG–1433, Revision 1. The (EOC)RPT is initiated by instruments common to the Reactor Protection System (RPS) (i.e., turbine stop valve closure and turbine control valve fast closure). The surveillance interval and AOT changes for these instruments were evaluated in ''Technical Specification Improvement Analysis for BWR Reactor Protection System,'' NEDC–30851P–A, March 1988, for the RPS function. Although the (EOC)RPT functions were not explicitly identified in that document, these changes can be considered bounded by that analysis. The basis for this conclusion is similar to the basis established for the control rod block instrumentation common to the RPS, as documented in ''Technical Specification Improvement analysis for BWR Control Rod Block Instrumentation,'' NEDC–30851P–A, Supplement 1, October 1988. Failure of the (EOC)RPT function could potentially lead to exceeding the SLMCPR, similar to the consequences of an unmitigated rod withdrawal error. The slight increase in risk of a SLMCPR violation due to extending (EOC)RPT surveillance interval and AOT is offset by the same benefits associated with the similar approved surveillance interval and AOT for the RPS. Both the above referenced reports have been approved for application at the DAEC via TS Amendment 193, dated April 14, 1993.

The changes to the ''Operating Modes for which Surveillance Required'' are clarifications and will result in a more efficient utilization of resources. By stating that the surveillance applies only when the (EOC)RPT system is OPERABLE, the surveillances will not be performed needlessly. During the early part of an OPERATING cycle, the (EOC)RPT is not required to mitigate a turbine trip, and therefore, may be bypassed. At the time when the (EOC)RPT is assumed to be OPERABLE pursuant to the analysis, it will be made OPERABLE unless accepting the penalty on the OLMCPR is preferable. The result of the proposed change will still be that the (EOC)RPT is demonstrated OPERABLE at any time when it is required.

The change to the acceptance criteria for response time testing reflects a recent review of the analytical assumptions and the testing methodology. The (EOC)RPT is assumed to interrupt power to the recirculation pump motor within 175 milliseconds after initiation of either turbine stop valve closure or turbine control valve fast closure. The response time test only measures a portion of the complete trip (the rest was measured as part of start-up testing). The portion measured is dependent on which trip input is being tested. The turbine control valve closure is sensed by a pressure switch monitoring the hydraulic fluid controlling the valve and therefore has no delay between valve motion and initiation of the (EOC)RPT logic. The turbine stop valve closure is sensed by position switch. Since this switch is set to initiate (EOC)RPT at 10% valve closed, there is a brief delay between the beginning of valve motion and initiation of the (EOC)RPT logic. The respective proposed response time tests account for these differences, as described in the footnotes on TS page 3.2–36, and demonstrate that the measured portions of the action are within allowed time periods.

None of the proposed changes will significantly increase the probability of any accident previously evaluated because the (EOC)RPT is not an initiator of any of those events. None of the proposed changes will significantly increase the consequences of an accident because the (EOC)RPT system serves to prevent a turbine trip event from exceeding the fuel SLMCPR, and it will continue to perform in that capacity at any time when it is required to assure margin to the SLMCPR.

2. The proposed changes will not add a new or different kind of accident because the plant will not be operated in a different way. By allowing the implementation of a penalty on OLMCPR in lieu of reducing reactor power, the risk of a plant transient is reduced. Similarly, the surveillance interval and AOT extensions will also result in fewer plant power reductions for testing.

The (EOC)RPT initiates a trip of the recirculation pumps and any TS change affecting that system cannot result in an effect on any system other than those pumps. Consequently, no new accidents are postulated as a result of this proposed change.

3. The proposed change will not result in a significant reduction in any margin of safety. The (EOC)RPT performs to assure adequate margin to the SLMCPR. The proposed change will preserve that function and require that additional margin to the SLMCPR be imposed for those times when the (EOC)RPT is not OPERABLE. The other changes are proposed because they assure correct (EOC)RPT function (inputs and response times).

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Kathleen H. Shea, Morgan, Lewis, & Bockius, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Project Director: Gail H. Marcus.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois.

Date of amendment request: December 14, 1995.

Description of amendment request: The proposed amendment would modify Technical Specification 3.4.2, ''Flow Control Valves (FCVs),'' by deleting the requirement to verify that the average rate of movement of each reactor recirculation system FCV is limited to less than or equal to 11% per second in the opening and closing directions (Surveillance Requirement 3.4.2.2).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The Clinton Power Station (CPS) Updated Safety Analysis Report (USAR) evaluates three specific events related to operation of the reactor recirculation flow control valves (FCVs). The impact of the proposed change on each of these events is discussed below.

The loss of coolant accident (LOCA) analysis described in USAR Section 6.3.3.7.2 assumes that the FCVs fail ''as is'' in the event of a LOCA. This feature is assured by electronic interlocks in the FCV control circuitry and periodically verified as required by Technical Specification (TS) Surveillance Requirement (SR) 3.4.2.1. The design of these interlocks and the testing requirements are not affected by this proposed change.

The Recirculation Flow Controller Failure—Decreasing Flow transient analyses are described in USAR Section 15.3.2, and the Recirculation Flow Controller Failure—Increasing Flow transient analyses are described in USAR Section 15.4.5. Since the

control circuitry for the FCVs has been modified such that the capability to operate in a master controller mode has been eliminated, each FCV is now individually controlled, and the possibility that a single failure could affect operation of more than one FCV has also been eliminated. As a result, fact closure and fast opening of both FCVs are no longer postulated for CPS. Thus, the surveillance (SR 3.4.2.2) associated with verifying that FCV movement is within the assumptions of the analyses for fast closure and fast opening of both FCVs can be deleted.

With respect to fast closure and fast opening of individual FCVs, the modification performed during the fifth refueling outage only affected the electronic master control of the FCVs and did not affect the hydraulic limitations of the FCVs. Conservative analyses, component testing, and the Initial Startup Test program provide confidence that individual FCV stroke rates assumed in the transient analyses will not be exceeded over the life of the plant. These analyses and conditions are sufficient to assure individual FCV stroke rates are adequately limited without the periodic performance of a specific test.

In addition to the above, the modification did not add any new failure modes to the design of the individual FCV controllers. In fact, failure modes associated with misoperation of the common master controller have been eliminated from the control circuit design. The modification did not alter any of the features associated with initiators of any LOCA or features which assure that the FCVs fail ''as is'' in the event of a LOCA.

Based on the above, Illinois Power (IP) has concluded that this request does not increase the probability or the consequences of any accident (or transient) previously evaluated.

(2) USAR Sections 15.3.2 and 15.4.5 describe the plant response to malfunctions of FCV control failures, and USAR Section 6.3.3.7.2 describes the assumptions made with respect to FCV failures and their impact on the LOCA analysis. The proposed change (and the associated modification prompting the proposed change) does not affect any other structures, systems, or components beyond the FCVs. All associated failure modes thus remain within the scope of the failure modes previously considered. As a result, IP has concluded that the proposed change cannot create the possibility of an accident not previously evaluated.

(3) This request does not involve any change to the requirements or design associated with initiation or mitigation of a LOCA. The consequences of transients associated with fast closure and fast opening of reactor recirculation system FCVs are bounded by the consequences of other transient events and thus are not utilized in establishing plant operating limits. Although the control circuitry for the FCVs was modified during the fifth refueling outage, that modification did not affect the hydraulic failure modes of the FCVs. Further, the modification did not add any new failure modes to the design of the individual FCV controllers. In fact, failure modes associated with misoperation of the common master controller have been eliminated from the control circuit design. As a result, assumed FCV operation during analyzed accidents and transients has not been altered. Conservative analysis, component testing, and the Initial Startup Testing program have confirmed that the FCV velocity assumed in the transient analyses will not be exceeded over the life of the plant. Thus, verification of rate of FCV movement in the opening and closing directions need not be performed by periodic testing and SR 3.4.2.2 can be deleted without resulting in a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606.

NRC Project Director: Gail H. Marcus.

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois.

Date of amendment request: December 14, 1995.

Description of amendment request: The proposed amendment would consist of several changes to the instrumentation sections of the Clinton Power Station Technical Specifications. The proposed changes are required due to engineering reanalyses or plant modifications. The affected instrumentation includes: (1) steam line flow high channels for the Reactor Core Isolation Cooling (RCIC) System, (2) ambient temperature channels in the Residual Heat Removal (RHR) System heat exchanger rooms, (3) reactor vessel pressure channels that provide a permissive for operation of the shutdown cooling mode of the RHR system, and (4) RCIC storage tank water level instrument channels.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) None of the proposed changes involve a significant increase in the probability or consequences of any accident previously evaluated.

The changes to Table 3.3.6.1–1 Functions 3.a and 3.i are administrative in nature and bring the technical specifications (TS) into conformance with the Clinton Power Station (CPS) as-built design. The reactor core isolation cooling (RCIC) system steam line flow trip Function names have been changed to reflect the elimination of the residual heat removal (RHR) steam condensing mode. However, these trips have not been physically altered and thus will continue to operate as before. As a result of the elimination of the RHR steam condensing mode, the possibility of a leak in the RCIC steam supply resulting in an increase in the RHR heat exchanger room ambient temperature has also been eliminated. Accordingly, the RHR ambient temperature isolation trip is changed to only isolate the RHR system when the RHR heat exchanger room ambient temperature setpoint is exceeded. The Shutdown Cooling System Reactor Vessel Pressure—High function is provided to isolate the shutdown cooling portion of the RHR system since this piping is designed for pressures lower than rated reactor vessel pressure. This interlock (RHR cut in permissive) is provided only for equipment protection to prevent an intersystem LOCA scenario and credit for the interlock is not assumed in the accident or transient analysis in the Updated Safety Analysis Report (USAR).

The proposed change to the setpoint (Allowable Value) is conservative with respect to considerations for shutting the RHR shutdown cooling motor-operated valves and providing overpressurization protection for the low pressure RHR shutdown cooling system piping. With respect to the RCIC storage tank water level setpoints, no accident or transient analysis takes credit for the volume of water in the RCIC storage tank. In addition, the setpoint (Allowable Value) has been changed to ensure RCIC system operation is not adversely affected by a low level in the storage tank.

The proposed changes do not affect any of the parameters or conditions that contribute to initiation of any accidents previously evaluated. In addition, the proposed changes do not affect the ability of the associated instrumentation to operate as assumed in the safety analyses. As a result, the proposed changes will not result in a significant increase in the consequences of any accident previously evaluated.

(2) None of the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes for RHR/RCIC Steam Line Flow—High [are] administrative in nature and will simply make this item description accurate. The RCIC steam supply line no longer supplies any steam to the RHR heat exchanger room. As a result, the associated isolation of the RCIC system is no longer required. The Shutdown Cooling System Reactor Vessel Pressure - High function will still perform as designed. The RCIC Storage Tank Level - Low trip will continue to perform in accordance with design. None of the above listed changes will introduce any new failure modes or changes in plant operation.

As a result, the proposed changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) None of the proposed changes involve a significant reduction in a margin to safety.

The proposed changes for RHR/RCIC Steam Line Flow—High do not involve a significant reduction in a margin of safety because the change is administrative in nature and will simply make the descriptions accurate and consistent with completed modifications. The elimination of RCIC system isolation in response to a high RHR room ambient temperature is no longer required due to the elimination of the RHR steam condensing mode. Removing the RHR room ambient temperature isolation of the RCIC will reduce the number of unnecessary isolations of RCIC. The Shutdown Cooling System Reactor Vessel Pressure - High function will still perform as designed. The proposed change to the setpoint (Allowable Value) is conservative with respect to considerations for shutting the RHR shutdown cooling motor-operated valves and providing overpressurization protection for the low pressure RHR shutdown cooling system piping. The Allowable Value for the RCIC Storage Tank Level - Low Function has been changed to be more conservative to ensure the RCIC and HPCS systems will perform their system safety function. No credit is taken for the volume in the RCIC storage tank for the HPCS or RCIC systems in performing their safety-related functions.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: Gail H. Marcus.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan.

Date of amendment requests: December 19, 1995 [AEP:NRC:1215B]

Description of amendment requests: The proposed amendments would modify the technical specifications to replace the existing scheduling requirements for overall integrated and local containment leakage rate testing with a requirement to perform the testing in accordance with 10 CFR Part 50, Appendix J, Option B. Option B allows test scheduling to be adjusted based on past performance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

This amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes to the T/Ss do not affect the assumptions, parameters, or results of any UFSAR [updated final safety analysis report] accident analysis. The proposed changes do not change the acceptance criteria for containment leakage limits and do not modify the response of the containment during a design basis accident. The proposed amendment does not add or modify any existing equipment. The proposed Types A, B, and C testing schedules will be consistent with Appendix J Option B to 10 CFR 50 which was developed based on analytical efforts documented in NUREG–1493 [Performance-Based Containment Leak-Test Program]. The analysis confirms previous observations of insensitivity of population risks from severe reactor accidents to containment leakage rates. Based on these considerations, it is concluded that the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

The proposed changes do not involve physical changes to the plant or changes in plant operating configuration. The proposed changes only remove the restrictive schedular requirements for conducting Types A, B, and C testing from the T/Ss and substitute the schedule specified in Appendix J Option B to 10 CFR 50 and Regulatory Guide 1.163 [Performance-Based Containment Leak-Test Program]. Thus, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

Based on NUREG–1493, Regulatory Guide 1.163, and the rule posting in the Federal Register (60 FR 49495), the margin for safety presently provided is not significantly reduced by the proposed change to a performance-based test interval for Types A, B, and C tests. Although the changes allow more flexibility in scheduling tests, the proposed amendment continues to ensure reactor containment system reliability by periodic testing in full compliance with 10 CFR 50, Appendix J Option B. Based on these considerations, it is concluded that the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: John N. Hannon.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota.

Date of amendment request: August 15, 1995, as supplemented November 14, 1995.

Description of amendment request: The proposed amendment would modify the Monticello Technical Specifications (TS) to: (1) revise the main steam line isolation valve leak rate test acceptance criterion to be based upon the combined maximum flow path leakage for all four main steam lines of 46 standard cubic feet per hour (scfh) in lieu of the current limit of 11.5 scfh per valve; (2) revise the operability test interval for the drywell spray header and nozzles from 5 years to 10 years; and (3) revise TS 3/4.7.a.2, Primary Containment Integrity, to remove information specific to the primary containment leakage rate testing program and replace it with a commitment to abide by the requirements of 10 CFR Part 50, Appendix J, Option B, Section III.A, for Type A testing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment is limited to changes to the surveillance testing requirements applicable to the main steam line isolation valves [MSIVs] allowable leakage criteria, drywell nozzles test interval, and method of applying Appendix J test requirements. With respect to monitoring main steam [line] isolation valve performance, the proposed criteria are equivalent to the current criteria ensuring that leakage past the valves would be within acceptable limits under accident conditions. These surveillance tests are performed while the plant is in a cold shutdown condition at a time when the equipment is not required to be operable. Performance of the tests themselves are not input or consideration in any accident previously evaluated, thus the proposed change will not increase the probability of any such accident occurring.

The proposed amendment will not adversely affect the function, operation, or reliability of the equipment, nor will it diminish the capability of the equipment to perform as required during an accident.

Combining the maximum per valve leak rate into an overall maximum leakage limit does not increase the overall permissible leakage and thus has no significant impact on the consequences of previously analyzed accidents since the combined leak rate of the main steam line isolation valves, and thus the contribution of the valves to overall primary containment leakage as used for analysis purposes, is unchanged. Extending the drywell nozzle test interval has been shown by industry experience to not compromise safety, and removing the specifics of primary containment leakage testing from the Technical Specifications and referencing 10 CFR Part 50 Appendix J does not alter either how actual testing is accomplished nor the acceptance criteria. It has been shown that adopting longer test intervals based on performance, maintains the safety objective for containment integrity while at the same time reducing the burden on licensees, and provides a greater level of worker safety than that provided by the previous rule.

Therefore, there will be no increase in post accident off-site or on-site radiation dose as a result of this amendment. The proposed amendment requires compliance with the regulatory requirements of 10 CFR Part 50, Appendix J Option B, Section III.A, for Type A testing that has previously been reviewed by the NRC and found to be acceptable. Therefore, the amendment will not increase the consequences of any accident previously evaluated.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment does not involve any modification to plant equipment or operating procedures, nor will it introduce any new equipment failure modes that have not been previously considered. The proposed amendment is limited to changes in surveillance test frequencies of tests performed while the plant is in cold shutdown when the associated equipment is not required to be operable. We therefore conclude the proposed changes will not create the possibility of a new or different kind of accident from any accident previously analyzed.

c. The proposed amendment will not involve a significant reduction in the margin of safety.

Combining the allowable leak rate for the MSIV's from a per valve limit to an overall limit does not change the total allowable leakage and therefore post accident dose levels remain unchanged. Extending the drywell nozzle surveillance test interval from 5 to 10 years has been shown by industry experience to be acceptable. Extending the intervals between containment integrated leakage tests as authorized by 10 CFR Part 50, Appendix J, Option B, does not change the acceptance criteria nor how testing is accomplished.

Based on these considerations, we conclude the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: John N. Hannon.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California.

Date of amendment requests: December 19, 1995.

Description of amendment requests: The proposed amendments would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant Unit Nos. 1 and 2 to relocate Technical Specification (TS) 6.5, ''Review and Audit,'' 6.8, ''Procedures and Programs,'' Sections 6.8.1c., 6.8.1d., 6.8.2, and 6.8.3, in accordance with guidance in an NRC letter dated October 25, 1993, from William T. Russell to the chairpersons of industry owners groups and the Commission's Final Policy Statement on TS Improvements for Nuclear Power Reactors on relocation of TS that do not satisfy the retention criteria. As part of the relocation of TS 6.8.2, TS 6.1.1 would be revised to require that proposed tests, experiments, or modifications that affect nuclear safety be approved by the plant manager or his designee prior to implementation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes simplify the Technical Specifications (TS), meet regulatory requirements for relocated TS, and implement the recommendations of: (1) the NRC's letter dated October 25, 1993, from William T. Russell to the chairpersons of the industry owners groups; (2) the Commissions's Final Policy Statement on TS Improvements; and (3) the recently revised 10 CFR 50.36. Future changes to these requirements will be controlled by 10 CFR 50.54 and 10 CFR 50.59. Any changes that reduce the effectiveness of the Quality Assurance Program will be approved by the NRC prior to implementation. The proposed changes are administrative in nature and do not involve any modifications to any plant equipment or affect plant operation.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes are administrative in nature, do not involve any physical alterations to any plant equipment, and cause no change in the method by which any safety-related system performs its function.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes do not alter the basic regulatory requirements and do not affect any safety analyses. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorney for licensee: Christopher J. Warner, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Project Director: William H. Bateman.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York.

Date of amendment request: September 15, 1995.

Description of amendment request: The licensee proposes to extend the surveillance test intervals for the auxiliary electrical systems to support 24-month operating cycles.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the James A. Fitzpatrick plant in accordance with the proposed

Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes increase the interval between auxiliary electrical system functional tests and also propose additional requirements for battery performance testing. These changes are consistent with the guidance provided in Generic Letter 91–04. These changes do not involve any special changes to the plant, nor do they alter the way the auxiliary electrical system functions. Past equipment performance indicates that the test acceptance criteria has been consistently met, providing additional assurance that the longer surveillance interval will not degrade system performance. The proposed changes revise Bases section 4.9 to clarify battery testing requirements and indicate consistence with the length of the 24 month operating cycle. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes increase the interval between auxiliary electrical system functional tests and also propose additional requirements for battery performance testing. These changes are consistent with the guidance provided in Generic Letter 91–04. The proposed changes do not change the ability of the auxiliary electrical systems to provide electrical power during a design basis accident. Past equipment performance indicates that the test acceptance criteria has been consistently met, providing additional assurance performance. The proposed changes do not modify the design or operation of plant equipment, therefore, no new or different failure modes are introduced. The proposed changes revise Basis section 4.9 to clarify battery testing requirements and indicate consistency with the length of the 24 month operating cycle. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed changes increase the interval between auxiliary electrical system functional tests and also propose additional requirements for battery performance testing. These changes are consistent with the guidance provided in Generic Letter 91–09. The proposed changes do not alter the configuration of the auxiliary electrical system nor change the manner in which the system functions. Operation of the facility remains unchanged by the proposed changes. An evaluation of past equipment performance indicates that auxiliary electrical system operability is not time dependent. The proposed changes revise Bases section 4.9 clarify battery testing requirements and indicate consistency with the length of the 24 month operating cycle. Therefore, a longer surveillance test interval for the station batteries and LPCI [low-pressure coolant injection] batteries will not degrade performance of the auxiliary electrical system and will not involve a significant reduction in a margin of safety.

The NRC staff has revised the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Ledyard B. Marsh.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York.

Date of amendment request: October 25, 1995.

Description of amendment request: The licensee proposes to extend the surveillance test intervals for the containment systems to support 24-month operating cycles.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 40.19(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. Involve a significant increase in the probability of consequences of an accident previously evaluated.

The proposed changes do not involve any physical changes to the plant, do not alter the way the containment systems function, and will not degrade the performance of the containment systems. The type of testing and the corrective actions required if the subject surveillance fail remains the same. The proposed changes do not adversely affect the availability of the containment systems or affect the ability of the systems to meet their design objectives. A historical review of surveillance test results indicated that there was no evidence of any failures which would invalidate the above conclusions.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not modify the design or operation of the plant and therefore no new failure modes are introduced. No changes are proposed to the type and method of testing performed, only to the length of the surveillance interval. Past equipment performance and on-line testing indicate that longer test intervals will not degrade the containment systems. A historical review of surveillance test results indicated that there was no evidence of any failure which would invalidate the above conclusions.

3. Involve a significant reduction in a margin of safety.

Although the proposed changes will result in an increase in the interval between surveillance tests, the impact on system reliability is minimal. This is based on more frequent on-line testing and the redundant design of the containment systems. A review of past surveillance history has shown no evidence of failure which would significantly impact the reliability of the containment systems. Operation of the plant remains unchanged by the proposed containment system surveillance test interval extensions. The assumptions in the Plant Licensing Basis are not impacted. Therefore the proposed changes do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Ledyard B. Marsh.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York.

Date of amendment request: November 30, 1995.

Description of amendment request: The licensee proposes to extend the surveillance test intervals for the standby liquid control (SLC) system to support 24 month operating cycles.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.19(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92 since it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve any physical changes to the plant, do not alter any SLC system functions, and will not degrade the performance of the SLC system. The type of testing and the corrective actions required if the subject SLC surveillances fail remain the same. The proposed changes do not adversely affect the availability of the SLC system or the ability of the system to bring the reactor from full power to a cold shutdown condition in the unlikely event that control rods cannot be inserted. A historical review of SLC surveillance test results indicated that there was no evidence of any failures that would invalidate the above conclusions.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not introduce any failure mechanisms of a different type than those previously evaluated since there are no physical changes being made to the facility. No changes are proposed to the type and method of testing performed, only to the length of the surveillance interval. Past equipment performance and on-line testing indicate the longer test intervals will not degrade SLC equipment. A historical review of surveillance test results indicated that there was no evidence of any failures that would invalidate the above conclusions.

3. Involve a significant reduction in a margin of safety.

Although the proposed changes will result in an increase in the interval between surveillance tests, the impact on system reliability is minimal. This is based on more frequent on-line testing of major system components and the redundant design of the SLC system. A review of past SLC surveillance history has shown no evidence of failures that would significantly impact the reliability of the SLC system. The longer testing intervals do not significantly impact the SLC safety margins for SLC normal operation, operation with inoperable components, or sodium pentaborate solution as described in the bases of the Technical Specifications. Operation of the plant remains unchanged by the proposed SLC surveillance interval extensions. The assumptions in the Plant Licensing Basis are not impacted. Therefore, the proposed changes do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Ledyard B. Marsh.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York.

Date of amendment request: December 14, 1995.

Description of amendment request: The licensee proposes to incorporate the inservice testing (IST) requirements of Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). The proposed change adds a new surveillance requirement, 4.0.E, which refers to the requirements of Section XI of the ASME Code and Addenda established by 10 CFR 50.55a(f). Ancillary changes are also required since the proposed specification 4.0.E replaces the surveillance testing requirements of safety related pump and motor-operated valves and extends the surveillance testing frequency of other components from once every month, to coincide with the ASME Code Section XI requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes identified in this proposed amendment revise surveillance testing for various systems based upon the Section XI of the American Society of Mechanical Engineers [***] Boiler and Pressure Vessel [***] Code [ASME Code]. None of these changes involves a hardware modification to the plant, a change to system operation, a change to the manner in which the system is used, or a change in the ability of the system to perform its intended function.

The use of Section XI of the ASME [***] Code as a basis for establishing surveillance testing and acceptance criteria will not alter existing accident analyses. This has been acknowledged and accepted by the NRC in the Standard Technical Specifications. The change to surveillance testing frequencies reduces testing at power, increases the availability of systems important to the mitigation of a DBA [design-basis accident], and minimizes component degradation due to excessive testing. The ASME [***] Code, Section XI testing tracks component performance allowing identification of component degradation and the code specifies that if a pump parameter enters the alert range, then the testing frequency is doubled until the cause of the degradation is determined and the condition corrected. Similarly, if a valve stroke time degrades, the valve testing frequency is increased to once per month until the cause is determined and the condition corrected.

The editorial changes are strictly non technical in nature with no effect on existing analyses. They clarify the Technical Specifications by improving the legibility of this document.

2. Create the possibility of a new or different kind of accident from those previously evaluated.

The proposed changes involve no hardware changes, no changes to the operation of the systems, and do not change the ability of the systems to perform their intended functions. The use of ASME Section XI as the basis for testing involves the same testing alignments and practices previously used as part of either the IST program or Technical Specification Surveillance Requirements. The editorial changes have no effect on plant practices.

3. Involve a significant reduction in the margin of safety.

There are no hardware modifications, changes to system operations, or effect on the ability of systems to perform their intended function associated with the proposed changes. The proposed changes to reference pump and valve testing to Section XI of the ASME [***] Code and remove individual Surveillance Requirements in the Technical Specifications does not relax any controls or limitations. The resulting reduction in test frequency, while reducing the possibility of detecting a degraded component prior to failure, is offset by the increased availability of systems important to plant safety and an associated reduction in component wear and degradation due to excessive testing. Additionally, the ASME testing program evaluates components for degraded performance and will identify such degradation early. There are no safety margins associated with the editorial corrections.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Ledyard B. Marsh.

South Carolina Electric & Gas Company (SCE&G), South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina.

Date of amendment request: December 8, 1995.

Description of amendment request: The proposed changes add a new

surveillance requirement to Technical Specification (TS) Section 4.1.2.2 and deletes TS Sections 3/4.1.2.3 and 3/4.1.2.4 associated with the Borations Systems section. TS Section 3/4.9.3 is being revised to assure only one charging pump is capable of Reactor Coolant System injection in the applicable modes and to add a new surveillance requirement to demonstrate this assurance. TS Section 4.5.2.f is being revised to delete specific Emergency Core Cooling System pump testing acceptance criteria and reference acceptance criteria located in the plant Inservice Testing Program. In addition, the licensee has proposed changes to the bases.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The probability or consequences of an accident previously evaluated is not significantly increased.

The implementation of the above described TS changes will have no impact on the probability of an accident occurring. The testing of the ECCS pumps at a more appropriate point on their characteristic curve is not a precursor to an accident. There is no hardware, software, or testing methodology change proposed that would decrease confidence in the reliability of these systems/components.

The proposed revision to the ECCS Pump testing surveillance will allow greater flexibility for testing and will provide more useful information about the performance capabilities of those pumps.

The deletion of the Reactivity Control System Specifications (Charging Pumps - Operating and Charging Pumps - Shutdown) will have no impact on the capability of the Charging/SI pumps to perform their design function. The additional Action Statement and Surveillance for low temperature overpressure (LTOP) assure that safety analyses remain valid and initial conditions are not changed. The additional Surveillance Requirement for Boration Systems assures that one charging pump will be operable during Modes 5 and 6.

2. The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This proposed TS change does not involve any changes to station hardware, software, or operating practices. The changes do provide for a revision to the testing methodology used in demonstrating the capability of the ECCS pumps.

This methodology will test the ECCS pumps at a point on the pump's characteristic curve that will more reliably indicate the pump's continued operability at or near the parameters the pump would be required to provide during a postulated accident.

The deletion of the Reactivity Control System Specifications (Charging Pumps - Operating and Charging Pump - Shutdown) will not provide additional challenges to the capability of the plant to meet normal operational needs or mitigate the conditions of a design basis accident. The ECCS Subsystems TS provide similar surveillance requirements to insure continued operability of the Charging/SI pumps. The LTOP TS will now provide requirements to assure that design assumptions are not challenged and RCS integrity is maintained.

Therefore, as the above described change has no impact on plant performance, the possibility of a new or different kind of accident being created as a result of this change is negligible.

3. The proposed license amendment does not involve a significant reduction in a margin of safety.

The change in testing philosophy for ECCS pumps should bring an increase in margin of safety, since testing will be conducted at reference flow points closer to actual pump parameters for accident conditions. For the Residual Heat Removal Pumps this will be conducted quarterly and for the centrifugal charging pumps, they will be tested quarterly on minimum flow and each refueling outage at substantial flow per the Inservice Testing Program.

The surveillance requirements of TS 3/4.1.2.3 and TS 3/4.1.2.4 are essentially the same as those in 3./4.5.2 and 3/4.5.3 (ECCS Subsystems), and the deletion of these requirements will have no adverse impact on margin on safety. The addition of the Action Statement and Surveillance Requirements to 3/4.4.9.3 (Overpressure Protective Systems) provide additional requirements to supplement those above to assure RCS integrity is maintained for all operational modes. The addition of the Surveillance Requirement to 3/4.1.2.1 will provide assurance that reactivity control can be maintained for Modes 5 and 6 through the charging system flow path.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Fairfield County Library, 300 Washington Street, Winnsboro, SC 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218.

NRC Project Director: Frederick J. Hebdon.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama.

Date of amendments request: December 19, 1995.

Description of amendments request: The proposed amendments would replace the requirements associated with the Control Room Emergency Ventilation System with requirements related to the operation of the Control Room Emergency Filtration/Pressurization System and Control Room Air Conditioning System. These changes are technically consistent with the requirements of NUREG–1431, Revision 1, ''Westinghouse Standard Technical Specifications,'' issued on April 7, 1995. Also, a one-time extension to the allowable outage time for the control room recirculation filtration system is included to facilitate implementation of design modifications to enhance the reliability of the control room air conditioning system during the spring of 1996.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Based on the preceding evaluation, the following conclusions are provided with respect to the criteria contained in 10 CFR 50.92.

(1) The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated in the FSAR [Final Safety Analysis Report]. The proposed changes have no impact on the probability of an accident. The control room ventilation systems are support systems which have a role in the detection and mitigation of accidents but do not contribute to the initiation of any accident previously evaluated. Reorganizing the technical specifications by functions have no impact on the course of any accidents previously evaluated. The other changes which are being made improve the ability to mitigate fuel handling accidents. Specifying an allowed outage time (AOT) of 30 days for the cooling of recirculated air while one train is inoperable is based on the significance of the cooling function but does represent an increase in the allowed outage time and thus an increase in the probability that the functions could be unavailable. This increase is not considered significant based on several factors including: the design is based on the worst postulated meteorological conditions; generally, less than design cooling is required and a partial failure in the system may have no impact; and unavailability failure does not create an immediate irreversible impact (i.e., temperature will increase slowly over a period of time); the system could be restored or its loss mitigated without any impact on the course or whatever accident is being considered; and the extended AOT would allow more opportunity to perform major required maintenance and thus may provide an overall improvement in equipment reliability.

In addition, the one-time change to the AOT for the recirculation filtration will not

significantly increase the probability or consequences of an accident due to the low probability of an event result[ing] in an airborne release of radioactivity. Such an event requires multiple failures of safety systems that are governed by technical specifications not affected by these changes. In addition, compensatory measures have been identified that limit the potential exposure of control room operators in response to a postulated release.

The net effect of these changes is not significant and, as a result, the changes do not involve a significant increase in the consequences of an accident previously evaluated.

(2) The proposed changes to the Technical Specifications do not increase the possibility of a new or different kind of accident than any accident already evaluated in the FSAR. No new limiting single failure or accident scenarios have been created or identified due to the proposed changes. Safety-related systems are expected to perform as designed. Although the changes could have a minor impact on the air conditioning system availability, the changes do not create the possibility of a new or different kind of accident from any previously evaluated.

(3) The proposed changes do not involve a significant reduction in the margin of safety. The changes proposed do not alter the environmental conditions which are to be maintained in the control room during normal operations and following an accident. As a result, the margin of safety for these functions remains the same. Although there is a potential impact on the air conditioning system's postulated availability, there is no impact on the accident analyses. Further, although the one-time AOT extension for the recirculation filtration system increases the system unavailability during the planned CRACS [Control Room Air Conditioning System] design changes, the net effect is a benefit to plant safety due to the enhancement to control room cooling capability. Thus, even if system availability issues were considered an aspect of margin of safety, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Project Director: Herbert N. Berkow.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama.

Date of amendment request: December 8, 1995 (TS 364).

Description of amendment request: The licensee proposes revision of Units 1, 2, and 3 Technical Specifications (TS) Section 4.7.A to implement the revision to 10 CFR 50, Appendix J. The new rule (Option B) provides a voluntary performance-based testing option for containment leak rate testing. Option B containment leak rate testing requirements are based on system and component performance in lieu of compliance with the current prescriptive requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment to TS Section 4.7.A is in accordance with Option B to 10 CFR 50, Appendix J. The proposed amendment adds a voluntary performance based option for containment leak rate testing. The changes being proposed do not affect the precursor for any accident or transient analyzed in Chapter 14 of the BFN [Browns Ferry Nuclear Plant] Updated Final Safety Analysis Report (UFSAR). The proposed change does not increase the total allowable primary containment leakage rate. The proposed change does not reflect a revision to the physical design and/or operation of the plant. Therefore, operation of the facility in accordance with the proposed change does not affect the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment to TS Section 4.7.A is in accordance with the new performance-based option (Option B) to 10 CFR 50, Appendix J. The changes being proposed will not change the physical plant or the modes of operation defined in the facility license. The proposed changes do not increase the total allowable primary containment leakage rate. The changes do not involve the addition or modification of equipment, nor do they alter the design or operation of plant systems. Therefore, operation of the facility in accordance with the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The proposed change to TS Section 4.7.A is in accordance with the new option to 10 CFR 50, Appendix J. The proposed option is formulated to adopt performance-based approaches. This option removes the current prescriptive details from the TS. The proposed changes do not affect plant safety analyses or change the physical design or operation of the plant. The proposed change does not increase the total allowable primary containment leakage rate. Therefore, operation of the facility in accordance with the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET llH, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio.

Date of amendment request: December 12, 1995.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.6.1.1, Containment Systems—Primary Containment—Containment Integrity; TS 3/4.6.1.2, Containment Systems—Containment Leakage; TS 3/4.6.1.6, Containment Systems—Containment Vessel Structural Integrity; TS 3/4.6.5.3, Containment Systems—Shield Building Structural Integrity; and associated Bases. The proposed revisions adopt the provisions of Appendix J, Option B for Type A containment leakage testing as modified by approved exemptions and in accordance with the guidance of Regulatory Guide 1.163. The licensee proposes to delete surveillance requirement (SR) 4.6.1.2, SR 4.6.1.2.b, SR 4.6.1.2.c, and SR 4.6.1.2.i since these requirements contain details that are now included in standards that are referenced by Regulatory Guide 1.163. TS 3/4.6.1.6 and TS 3/4.6.5.3 which address containment building and shield building structural integrity are proposed to be deleted since the requirements are addressed in revised TS 3.6.1.2.a. The licensee proposes to delete the exemption included in Bases

3/4.6.1.2 since it is no longer applicable. Additionally, the licensee proposes to modify the Action statement associated with TS 3.6.1.2 to reflect the action to take if the as-left rather than the as-found leakage exceeds 0.75 L_a.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Toledo Edison has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the Davis-Besse Nuclear Power Station, Unit No. 1, in accordance with the changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because accident initiators, conditions, or assumptions are not affected by the proposed changes.

The proposed changes to the Technical Specifications implement 10 CFR 50 Appendix J Option B for Type A testing, including visual examinations of the containment vessel and shield building, and make various administrative changes to the Technical Specifications and associated Technical Specification Bases. Therefore, as stated above, these proposed changes do not affect accident initiators, conditions, or assumptions.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because the proposed changes do not change the source term, containment isolation, or allowable releases.

The proposed changes involve containment leakage testing and test frequency. The allowable containment leakage rates presently specified in the Technical Specifications remain unchanged.

2. Not create the possibility of a new or different kind of accident from any accident previously evaluated because no new accident initiators or assumptions are introduced by the proposed changes.

3. Not involve a significant reduction in a margin of safety, for the reasons cited below.

The proposed changes involve containment leakage testing and test frequency. The allowable containment leakage rates presently specified in the Technical Specifications remain unchanged. The Technical Specifications, under the proposed changes, will continue to ensure containment system reliability by periodic testing performed in full compliance with 10 CFR 50 Appendix J.

As stated in the Federal Register publication of the final rule, 60 FR 49495 dated September 26, 1995, the final rule improves the focus of the regulations by eliminating prescriptive requirements that are marginal to safety. Further, the final rule allows test intervals to be based on system and component performance and provides licensees greater flexibility for cost-effective implementation methods of regulatory safety objectives. The final rule publication also discusses the following specific findings documented in NUREG–1493, ''Performance-Based Containment Leak-Test Program,'' September, 1995, which justify the proposed change in frequency of Type A Integrated Leak Rate Testing (ILRT):

1. The fraction of leakages detected only by ILRT's is small, on the order of a few percent.

2. Reducing the frequency of ILRT testing from 3 every 10 years to one every 10 years leads to a marginal increase in risk.

3. At a frequency of one test every 10 years, industry-wide occupational exposure would be reduced by 0.087 person-sievert (8.7 person-rem) per year.

Based on these considerations, it is concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Gail H. Marcus.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Power Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin.

Date of amendment request: December 13, 1995.

Description of amendment request: The proposed amendments will modify Technical Specification (TS) Sections 15.1, ''Definitions,'' 15.2, ''Safety Limits and Limiting Safety System Settings,'' 15.3, ''Limiting Conditions for Operation,'' and 15.6, ''Administrative Controls.'' The proposed changes would modify the TSs to account for the creation and maintenance of a Core Operating Limits Report.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Operation of this facility under the proposed Technical Specifications will not create a significant increase in the probability or consequences of an accident previously evaluated.

The relocation of the cycle-specific parameters from the Point Beach Nuclear Plant (PBNP) Technical Specifications to the Core Operating Limits Report (COLR) has no impact on plant operation or accident analyses. The proposed changes are administrative in nature. The Technical Specifications will continue to require operation within the core operational limits for each cycle reload calculated by the NRC-approved reload design methodologies. The appropriate actions required if limits are exceeded will remain in the Technical Specifications. The reload report presents the results of a cycle-specific evaluation of accidents and transients addressed in the PBNP Final Safety Analysis Report (FSAR). The cycle-specific evaluation demonstrates that changes in the unit's fuel cycle design and corresponding COLR parameters do not involve a significant increase in the probability or consequences of an accident previously evaluated. Therefore, these changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Operation of this facility under the proposed Technical Specifications will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to relocate the cycle-specific parameters from the Technical Specifications to the COLR is administrative in nature. No change to the design, configuration, or method of operation of the plant is made by this change. The cycle-specific parameters will be determined using NRC-approved methodologies. The Technical Specifications will continue to require operation within the core operating limits and appropriate actions will be taken if the limits are exceeded.

Therefore, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of this facility under the proposed Technical Specifications will not create a significant reduction in a margin of safety.

Existing Technical Specification operability and surveillance requirements are not reduced by the proposed changes to relocate cycle-specific parameters from the Technical Specifications to the COLR. The cycle-specific COLR limits for reloads will continue to be developed based on NRC-approved methodologies, thereby maintaining accepted margins of safety. The Technical Specifications will still require that the core be operated within these limits and specify appropriate actions to be taken if the limits are violated. Each reload undergoes a 10 CFR 50.59 safety review to assure that operating the unit within the cycle-specific limits will not involve a significant reduction in a margin of safety. Therefore, these changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516

Sixteenth Street, Two Rivers, Wisconsin 54241.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Gail H. Marcus.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas.

Date of amendment request: December 13, 1995.

Description of amendment request: This license amendment request proposes to revise the 125-volt D.C. Sources Technical Specifications (3.8.2.1 and 3.8.2.2) to include provisions for installed spare chargers, which will be added to the plant design during the next refueling outage. The Onsite Power Distribution Technical Specifications 3.8.3.1 and 3.8.3.2 would be revised to indicate that spare chargers may be connected in place of the primary chargers.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

These proposed technical specification changes do not alter the plant design bases nor do they involve any hardware changes that significantly increase the probability of any event initiators. There will be no change to normal plant operating parameters or accident mitigation capabilities. There will be no increase in the consequences of any accident or equipment malfunction.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed technical specification changes do not involve any design bases changes nor are there any changes to the method by which any safety-related plant system performs its safety function. The normal manner of plant operation is unaffected. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of these changes.

3. The proposed change does not involve a significant reduction in a margin of safety.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined, nor will there be any effect in those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on DNBR [departure from nucleate boiling ratio] limits, F_Q, F-delta-H, LOCA [loss-of-coolant accident] PCT [peak cladding temperature], peak local power density or any other margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, D.C. 20037.

NRC Project Director: William H. Bateman.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas.

Date of amendment request: December 13, 1995.

Description of amendment request: This change request proposes revising the minimum and maximum flow requirements for the centrifugal charging pumps (CCPs) and safety injection pumps (SIPs) specified in Technical Specification Surveillance Requirement 4.5.2.h. Specifically, the proposed changes would:

(1) Decrease the minimum limits on the sum of the injection line flow rates, excluding the highest flow rate, from 346 gpm to 330 gpm for the CCPs and from 459 gpm to 450 gpm for the SIPs.

(2) Revise the maximum pump flow rate for the SIP from 665 to 670 gpm, but retain the CCPs maximum pump flow rate at its current value of 556 gpm.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not result in a condition where the material or construction standards applicable prior to the change are altered. The ECCS [emergency core cooling system] system integrity is not affected by this change, and this change will not affect the ability of the ECCS to fulfill its design functions. This change will modify the pump surveillance criteria to prevent pump runout during the test, but will not affect the method of operation of the system and will not alter the testing method for the pumps. This change will slightly alter the acceptance criteria of the test, but the changes have been determined to be enveloped by the ECCS pump flow and balance criteria assumed in the safety analyses described in the USAR [Updated Safety Analysis Report]. This change will not affect the ability of the ECCS to mitigate the consequences of any previously evaluated accident. The proposed change will not alter, degrade or prevent the response of the ECCS to any accident scenarios evaluated in the USAR. Therefore, neither the probability of occurrence nor the consequences of any accident previously evaluated in the USAR will be increased by this change.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change will alter the existing ECCS pump flow test to prevent pump runout during the test by slightly altering the acceptance criteria of the test. However, the proposed changes have been determined to be enveloped by the ECCS pump flow and balance criteria assumed in the safety analyses described in the USAR. This change will not create a new type of accident or malfunction, and the method and manner of plant operation remains unchanged. This change will not alter the safety functions of the ECCS. The safety design bases in the USAR have not been altered, and no new or different accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of this change. Therefore, the possibility of a new or different kind of accident other than those already evaluated will not be created by this change.

3. The proposed change does not involve a significant reduction in a margin of safety.

There are no changes being made to any safety limits or safety system settings that would adversely impact plant safety. This proposed change will have no affect on the availability, operability or performance of any safety-related system or component. The analysis results and conclusions of the accidents presented in the current USAR would not be adversely affected by the revised surveillance requirements for the ECCS. This conclusion is drawn based on the evaluation that confirms that the actual ECCS flow characteristics remain consistent with assumptions used in the WCGS [Wolf Creek Generating Station] accident analyses. Specifically, the accident analyses which are limiting with minimized ECCS flow have already been analyzed using revised ECCS flows that were developed based on a more conservative minimum flow than the proposed minimum ECCS flow requirement. For the analyses which are limiting with a higher ECCS flow, the evaluation indicated that a higher pump runout limit proposed for the SIPs would have insignificant effect on the results and conclusions of the analyses. The evaluation also indicated that the ECCS pump operability would not be a concern as a result of increasing the SIPs runout limit because the available runout margin is sufficient to accommodate the cumulative effect of the ECCS performance issues. Based on these reasons, it is concluded that

implementation of the proposed changes will have no adverse impact on the ECCS subsystems' operability and their intended safety function. Therefore, the proposed change would not result in a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Project Director: William H. Bateman.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas.

Date of amendment request: December 13, 1995.

Description of amendment request: This license amendment request proposes revising Surveillance Requirement 4.1.3.1.3 to delete the requirement for performing the control rod drop surveillance test with T_{avg} greater than or equal to 551°F. This would allow performing this test with T_{avg} below 551°F. This change will also add justification for performing the rod drop test with T_{avg} below 551°F to Bases Section 3/4.1.3, ''Movable Control Assemblies.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not result in a condition where the material or construction standards applicable prior to the change are altered. The rod control system integrity is not affected by this change, and this change will not affect the ability of the system to fulfill its design function. This change will allow the control rod drop test to be performed at lower temperatures than currently allowed, but will not affect the method of operation of the system and will not alter the drop time criterion of the test. This change will not affect any fission product barrier, and will not affect the integrity of any fuel assembly or the reactor internals. Thus this change will not affect the ability of the rod control system to mitigate the consequences of any previously evaluated accident. The proposed change will not alter, degrade or prevent the response of the rod control system to any accident scenarios evaluated in the USAR [Updated Safety Analysis Report]. Therefore, neither the probability of occurrence nor the consequences of any accident previously evaluated in the USAR will be increased by this change.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change will alter the existing rod drop test to allow the test to be performed over a range of temperatures, but will not alter the rod drop time criterion of the test. This change will not create a new type of accident or malfunction, and the method and manner of plant operation remains unchanged. This change will not alter the safety functions of the rod control system. The safety design bases in the USAR have not been altered, and no new or different accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of this change. Therefore, the possibility of a new or different kind of accident other than those already evaluated will not be created by this change.

3. The proposed change does not involve a significant reduction in a margin of safety.

There are no changes being made to any safety limits or safety system settings that would adversely impact plant safety. This proposed change will have no affect on the availability, operability or performance of any safety-related system or component. The change will not prevent inspections or surveillances required by the technical specifications, and does not alter the rod drop time criterion specified in the technical specifications. Performance of the rod drop tests at other temperatures allows an alternative method to verify that the rod drop time currently specified in the technical specifications and used in the safety analyses continues to be valid. Therefore, the proposed change would not result in a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Project Director: William H. Bateman.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the Federal Register on the day and page cited. This notice does not extend the notice period of the original notice.

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania.

Date of amendment request: November 21, 1995

Brief description of amendment request: The proposed amendments would revise surveillance requirements for the high pressure coolant injection and reactor core isolation cooling systems and would make an administrative change to Section 5.5.7 of the technical specifications to eliminate reference to a section which was previously eliminated.

Date of publication of individual notice in Federal Register: December 5, 1995 (60 FR 62271).

Expiration date of individual notice: January 3, 1996.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (Regional Depository) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania.

Date of amendment request: November 30, 1995.

Brief description of amendment request: The proposed amendments would revise the minimum allowable control rod scram accumulator pressure and charging water header pressure from a value of 955 psig to a value of 940 psig.

Date of publication of individual notice in Federal Register: December 8, 1995 (60 FR 63073).

Expiration date of individual notice: January 8, 1996.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (Regional Depository) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania.

Date of amendment request: December 19, 1995.

Brief description of amendment request: The proposed amendment would revise the ventilation filter test program (VFTP) bypass and penetration leakage test acceptance criteria from less than 0.05 percent to less than 1.0 percent. The change corrects an administrative error that occurred during the development of the Peach Bottom Improved Technical Specifications which were issued as Amendments 210 and 214 to the Peach Bottom licenses on August 30, 1995.

Date of publication of individual notice in Federal Register: December 27, 1995 (60 FR 66997).

Expiration date of individual notice: January 25, 1996.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Notice of Issuance of Amendments To Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the Federal Register as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are 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 rooms for the particular facilities involved.

Baltimore Gas and Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland.

Date of application for amendment: October 20, 1995.

Brief description of amendment: The one-time amendment revises the Calvert Cliffs Nuclear Power Plant, Unit No. 1 Technical Specifications by extending certain 18-month instrument surveillance intervals by a maximum of 39 days to March 31, 1996. This amendment will be superseded by Amendment No. 208 when it is implemented prior to restart from the Unit No. 1 spring 1996 refueling outage.

Date of issuance: December 28, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 209.

Facility Operating License No. DPR–53: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58396).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Baltimore Gas and Electric Company, Docket No. 50–318, Calvert Cliffs Nuclear Power Plant, Unit No. 2, Calvert County, Maryland.

Date of application for amendment: October 2, 1995.

Brief description of amendment: The amendment revises the Technical Specifications regarding allowable outage time (AOT) associated with the control room emergency ventilation system. It extends the AOT for one train from 7 days to 30 days on a one-time basis (for the loss of the emergency power supply only) to allow for modifications during the upcoming Unit No. 1 refueling outage in the spring of 1996.

Date of issuance: December 19, 1995.

Effective date: As of the date of issuance to be implemented during the Unit No. 1 spring 1996 refueling outage.

Amendment No.: 187.

Facility Operating License No. DPR–69: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 8, 1995 (60 FR 56363).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 19, 1995.

No significant hazards consideration comments received: No

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois.

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois.

Date of application for amendments: September 10, 1993, as supplemented on June 16, 1995.

Brief description of amendments: This application upgrades the current custom Technical Specifications (TS) for Dresden and Quad Cities to the Standard Technical Specifications contained in NUREG–0123, ''Standard Technical Specification General Electric Plants BWR/4.'' This application upgrades only Section 3/4.8 (Plant Systems).

Date of issuance: December 19, 1995.

Effective date: Immediately, to be implemented no later than June 30, 1996.

Amendment Nos.: 144, 138, 166, and 162.

Facility Operating License Nos. DPR–19, DPR–25, DPR–29 and DPR–30. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: July 19, 1995 (60 FR 37086).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 19, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: for Dresden, Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450; for Quad Cities, Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois.

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois.

Date of application for amendments: September 15, 1995.

Brief description of amendments: The amendments upgrade the current custom Technical Specifications (TS) for Dresden and Quad Cities to the Standard Technical Specifications contained in NUREG–0123, ''Standard Technical Specification General Electric Plants BWR/4.'' The application dated September 15, 1995, contains some of the TSUP open items from previous Dresden and Quad Cities TS amendments issued by the NRC.

Date of issuance: December 19, 1995.

Effective date: Immediately, to be implemented no later than June 30, 1996.

Amendment Nos.: 145, 139, 167 and 163

Facility Operating License Nos. DPR–19, DPR–25, DPR–29 and DPR–30. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: October 5, 1995 (60 FR 52220).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 19, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: for Dresden, Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450; for Quad Cities, Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois.

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois.

Date of application for amendments: September 17, 1993, as supplemented July 28, 1995.

Brief description of amendments: This application upgrades the current custom Technical Specifications (TS) for Dresden and Quad Cities to the Standard Technical Specifications contained in NUREG–0123, ''Standard Technical Specification General Electric Plants BWR/4.'' This application upgrades only Section 3/4.5 (Emergency Core Cooling Systems).

Date of issuance: December 27, 1995.

Effective date: Immediately, to be implemented no later than June 30, 1996.

Amendment Nos.: 146, 140, 168, and 164.

Facility Operating License Nos. DPR–19, DPR–25, DPR–29 and DPR–30. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 16, 1995 (60 FR 42599).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 27, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: for Dresden, Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450; for Quad Cities, Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois.

Date of application for amendments: November 14, 1995.

Brief description of amendments: These amendments change the implementation dates of all previous TSUP amendments from December 31, 1995, to no later than June 30, 1996.

Date of issuance: December 29, 1995.

Effective date: December 29, 1995.

Amendment Nos.: 147 and 141.

Facility Operating License Nos. DPR–19 and DPR–25: The amendments revised the license.

Date of initial notice in Federal Register: November 29, 1995 (60 FR 61272).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 29, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket No. 50–373, LaSalle County Station, Unit 1, LaSalle County, Illinois.

Date of application for amendment: October 2, 1995.

Brief description of amendment: The amendment revises the safety/relief valve (SRV) safety function lift setting allowable tolerance band from −3/+1% to ±3% and includes a requirement for the lift settings to be within ±1% of the technical specification limit following testing.

Date of issuance: January 3, 1996.

Effective date: Upon date of issuance; shall be implemented prior to the restart of Unit 1 from its seventh refueling outage.

Amendment No.: 108.

Facility Operating License No. NPF–11: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58398).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 3, 1996.

No significant hazards consideration comments received: No.

Local Public Document Room location: Jacobs Memorial Library, Illinois Valley Community College, Oglesby, Illinois 61348.

Duke Power Company, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina.

Date of application for amendments: September 5, 1995.

Brief description of amendments: In Section 5.2.5 of the Catawba Safety Evaluation Report (SER, NUREG–0954), the NRC staff identified that the air particulate monitors (EMF38, at both Units 1 and 2), are designed to seismic Category I requirements. A recent engineering review by the licensee determined that documentation did not exist to show these monitors are designed to seismic Category I requirements. In a submittal dated September 8, 1994, the licensee proposed a technical justification for not requiring the subject monitors to be

seismic Category I, and by letter dated September 5, 1995, provided additional justification and requested amendments to the licenses for both Units 1 and 2. The NRC staff has reviewed the licensee's justification and concludes that the containment air particulate monitors at Catawba do not have to meet seismic Category I requirements. The bases for this conclusion are included in the NRC staff's Safety Evaluation.

Date of issuance: December 29, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: Unit 1—140; Unit 2—134.

Facility Operating License Nos. NPF–35 and NPF–52: Amendments revised the Updated Final Safety Analysis Report.

Date of initial notice in Federal Register: November 28, 1995 (60 FR 58690).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 29, 1995 and an Environmental Assessment dated December 22, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina.

Date of application for amendments: September 1, 1995, as supplemented by letters dated October 17 and November 15, 1995.

Brief description of amendments: The requested changes would revise Technical Specification (TS) 6.9.1.9 to include references to updated or recently approved methodologies used to calculate cycle-specific limits contained in the Core Operating Limits Report (COLR). The subject references have previously been reviewed and approved by the NRC staff.

Date of issuance: December 19, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: Unit 1—160; Unit 2—142.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: October 25, 1995 (60 FR 54718).

The October 17 and November 15, 1995, letters provided clarifying information that did not change the scope of the September 1, 1995, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 19, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina.

Date of application for amendments: January 12, 1995, as supplemented by letter dated June 29, 1995.

Brief description of amendments: The amendments would revise and clarify portions of Technical Specification Section 6.0, ''Administrative Controls.''

Date of issuance: December 19, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: Unit 1—161; Unit 2—143.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: March 15, 1995 (60 FR 14018).

The June 29, 1995, letter provided clarifying information that did not change the scope of the January 12, 1995, application and the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 19, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duke Power Company, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina.

Date of application of amendments: July 26, 1995, as supplemented by letter dated November 20, 1995.

Brief description of amendments: The amendments add a footnote to Technical Specification 3.7.8 to provide for a one-time extension of the allowable outage time from 72 hours to 7 days for the Oconee overhead emergency power path to be inoperable, so that proposed modifications to the degraded grid protection system and the external grid trouble protection system may be performed.

Date of Issuance: December 27, 1995.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1—213; Unit 2—213; Unit 3—210.

Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 16, 1995 (60 FR 42601).

The November 20, 1995, letter provided clarifying information that did not change the scope of the July 26, 1995, application and the proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 27, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas.

Date of application for amendment: July 19, 1995.

Brief description of amendment: The amendment reduced the requirements associated with the exercise frequency of control element assemblies from once per 31 days to once per 92 days.

Date of issuance: December 22, 1995.

Effective date: December 22, 1995, to be implemented within 30 days.

Amendment No.: 173.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: October 11, 1995 (60 FR 52929).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 22, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, AR 72801.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas.

Date of application for amendment: April 4, 1995.

Brief description of amendment: The amendment revises surveillance

requirements associated with the main turbine steam valves.

Date of issuance: December 22, 1995.

Effective date: December 22, 1995, to be implemented within 30 days.

Amendment No.: 174.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: July 5, 1995 (60 FR 35069).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 22, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, AR 72801.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida.

Date of application for amendments: September 11, 1995, as supplemented by letter dated November 22, 1995.

Brief description of amendments: These amendments revise the emergency diesel generator testing requirements to incorporate the recommendations of Generic Letters 93–05 and 94–01.

Date of issuance: December 28, 1995.

Effective date: December 28, 1995.

Amendment Nos. 181 and 175.

Facility Operating Licenses Nos. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: October 11, 1995 (60 FR 52930).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia.

Date of application for amendments: December 2, 1994.

Brief description of amendments: The amendments replace Appendix B, ''Environmental Technical Specifications,'' with an Environmental Protection Plan (Nonradiological) and revise the Operating Licenses to reflect these changes.

Date of issuance: December 19, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: Unit 1—199; Unit 2—140.

Facility Operating License Nos. DPR–57 and NPF–5. Amendments revised the Technical Specifications and Operating Licenses.

Date of initial notice in Federal Register: January 4, 1995 (60 FR 502).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 19, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Indiana Michigan Power Company, Docket No. 50–315, Donald C. Cook, Nuclear Plant, Unit No. 1, Berrien County, Michigan.

Date of application for amendment: April 13, 1995, as supplemented August 28 and October 27, 1995.

Brief description of amendment: The amendment modifies the Technical Specifications to allow use of laser-welded sleeves to repair defective steam generator tubes.

Date of issuance: January 4, 1996.

Effective date: January 4, 1996, with full implementation within 45 days.

Amendment No.: 205.

Facility Operating License No. DPR–58. Amendment revises the Technical Specifications.

Date of initial notice in Federal Register: June 6, 1995 (60 FR 29877).

The August 28 and October 27, 1995, supplements provided clarifying information and updated Technical Specification pages. These supplements did not change the proposed no significant hazards considerations determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 4, 1996.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Northeast Nuclear Energy Company, Docket No. 50–245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut.

Date of application for amendment: August 31, 1995, as supplemented December 5, 1995.

Brief description of amendment: The amendment modifies the definition of HOT SHUTDOWN and COLD SHUTDOWN to specify that the definitions are not applicable during the performance of an inservice hydrostatic and leak test (IHLT). Technical Specification Section 3.6.B and 4.6.B is modified by adding Section 3.6.B.1.b and 4.6.B.1.b to identify the requirements that must be satisfied to consider the reactor in COLD SHUTDOWN during the performance of an IHLT. In addition, the amendment changes temperature specific requirements on several pages to mode or condition specific requirements; makes several editorial changes; and changes the associated Bases.

Date of issuance: December 29, 1995.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment No.: 90.

Facility Operating License No. DPR–21. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: September 27, 1995 (60 FR 49940).

The December 5, 1995, submittal provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 29, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut.

Date of application for amendment: May 1, 1995.

Brief description of amendment: The amendment revises the Technical Specifications to extend the interval for performance of selected surveillances to accommodate a 24-month fuel cycle. Specifically, this amendment changes the definition for a refueling interval, changes the BASES for surveillances that are performed at least once each fuel cycle and changes the surveillance frequencies for:

(1) The flow path tests of the boron injection system,

(2) The operability tests of the digital rod position indicatiors,

(3) The drop time of the full-length shutdown and control rods,

(4) The channel calibration of the loose-part detection system,

(5) The channel calibration of the seismic monitoring instrumentation,

(6) The activation of the pumps and the flow path tests of the valves in the containment quench and recirculation spray systems and

(7) The tests of the intended actuation positions of the containment isolation valves.

Date of issuance: December 28, 1995.

Effective date: As of the date of issuance, to be implemented within 90 days.

Amendment No.: 122.

Facility Operating License No. NPF–49. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58402).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut.

Date of application for amendment: July 17, 1995.

Brief description of amendment: The amendment revises the Technical Specifications pertaining to the plant air filtration and ventilation systems to extend the surveillance frequencies that are now required to be performed at least once per 18 months to specify that the surveillances are to be performed at least once each refueling interval.

Date of issuance: December 28, 1995.

Effective date: As of the date of issuance, to be implemented within 90 days.

Amendment No.: 123.

Facility Operating License No. NPF–49. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58402).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut.

Date of application for amendment: July 14, 1995.

Brief description of amendment: The amendment revises the frequency of those surveillance requirements for the emergency core cooling systems that now require that the surveillances be performed ''at least once per 18 months'' to specify that the surveillances be performed ''at least once each refueling interval.''

Date of issuance: December 28, 1995.

Effective date: As of the date of issuance, to be implemented within 90 days.

Amendment No.: 124.

Facility Operating License No. NPF–49. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58402).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California.

Date of application for amendments: September 29, 1995.

Brief description of amendments: The amendments added a one-time footnote to the Technical Specifications related to the diesel generator fuel oil storage and transfer system to permit each of the existing storage tanks to be removed from service for up to 60 days so they can be replaced with double walled tanks and piping that comply with new California regulations.

Date of issuance: January 3, 1996.

Effective date: January 3, 1996, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 1—Amendment No. 109; Unit 2—Amendment No. 108.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1995 (60 FR 58403).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 3, 1996.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket No. 50–133, Humboldt Bay Power Plant, Unit 3, Humboldt County, California.

Date of application for amendment: October 8, 1993, as supplemented October 28, 1994.

Brief description of amendment: This amendment revised the Technical Specification by deleting Figure II–2, ''Restricted Area Per 10 CFR 20.3(a)(14)'' and by deleting the restricted area boundary line from Figure V–3, ''HBPP Groundwater Monitoring System Wells.''

Date of issuance: December 21, 1995.

Effective date: This license amendment is effective as of the date of its issuance and must be fully implemented no later than 30 days from the date of issuance.

Amendment No.: 30.

Facility License No. DPR–7: This amendment revised the TS.

Date of initial notice in Federal Register: January 5, 1994 (59 FR 624).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 21, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Humboldt County Library, 1313 3rd Street, Eureka, California 95501.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania.

Date of application for amendments: March 31, 1995.

Brief description of amendments: The amendments incorporate a change in the Station Technical Specifications for both units that modifies the requirement in TS 4.4.4.3.a to have the pH of the reactor coolant measured every 72 hours. The amendments add the clarification that the pH measurement will be performed only when the coolant conductivity is greater than 1.0 micro-mho/cm at 25°C (°77).

Date of issuance: January 3, 1996.

Effective date: Both units, as of date of issuance and are to be implemented within 30 days.

Amendment Nos.: 156 and 127.

Facility Operating License Nos. NPF–14 and NPF–22. The amendments revised the Technical Specifications.

Date of initial notice in Federal Register: April 26, 1995 (60 FR 20522).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 3, 1996.

No significant hazards consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania.

Date of application for amendment: August 11, 1995.

Brief description of amendment: The amendment revises the Unit 2 Technical Specifications (TSs) to reestablish the original operability requirements for the Neutron Flux function, and to delete the footnote that was added to TS page 3/4 3–71 under Amendment No. 115, regarding the length of time that the revised operability values were valid.

Date of issuance: January 3, 1996.

Effective date: As of date of issuance, to be implemented within 30 days.

Amendment No.: 128.

Facility Operating License No. NPF–22. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: September 13, 1995 (60 FR 47623).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 3, 1996.

No significant hazards consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York.

Date of application for amendment: May 12, 1995.

Brief description of amendment: The amendment modifies the Technical Specifications (TSs) to extend the surveillance test intervals for the emergency service water system to support 24-month operating cycles. Surveillance test interval extensions are denoted as being performed ''every 24 months'' or ''at least once per 24 months'' consistent with the guidance provided in Generic Letter (GL) 91–04, ''Changes in Technical Specification Surveillance Intervals to Accommodate 24–Month Fuel Cycle,'' dated April 2, 1991. The NRC staff has determined that the proposed TS changes are in accordance with GL 91–04, and are therefore acceptable.

Date of issuance: December 21, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 230.

Facility Operating License No. DPR–59: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: September 13, 1995 (60 FR 47623)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 21, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina.

Date of application for amendment: February 21, 1995, as supplemented on August 31, 1995, and December 4, 1995.

Brief description of amendment: The amendment revises the Technical Specifications (TS) support of the licensee's plan to implement the revised 10 CFR Part 20, ''Standards for Protection Against Radiation.'' Also, several editorial changes to improve the clarity of the TS were made.

Date of issuance: December 28, 1995.

Effective date: 90 days after issuance.

Amendment No.: 130.

Facility Operating License No. NPF–12. Amendment revises the operating license.

Date of initial notice in Federal Register: March 29, 1995 (60 FR 16200). Renoticed on September 27, 1995 (60 FR 49946) due to changes in the licensee's proposed no significant hazards consideration analysis that were included in the August 31, 1995 supplemental letter. The December 4, 1995 letter provided supplemental information that did not change the second proposed no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, 300 Washington Street, Winnsboro, SC 29180.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri.

Date of application for amendment: June 21, 1994, as supplemented by letter dated October 23, 1995.

Brief description of amendment: The amendment revises Technical Specification (TS) 6.5.1, 6.5.2 and 6.5.3 to relocate the review and audit requirements of the On-site Review Committee (ORC) and the Nuclear Safety Review Board (NSRB) to the Operational Quality Assurance Manual (OQAM). In addition, the amendment deletes reference to the Manager, Nuclear Safety and Emergency Preparedness, in TS 6.2.3. The Index is revised to reflect the relocations.

Date of issuance: December 26, 1995.

Effective date: December 26, 1995, to be implemented within 30 days from the date of issuance.

Amendment No.: 107.

Facility Operating License No. NPF–30. The amendment revises the Technical Specifications.

Date of initial notice in Federal Register: August 31, 1994 (59 FR 45036) and November 27, 1995 (60 FR 58406). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 26, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: July 20, 1995.

Brief description of amendments: These amendments establish a new setpoint for the steam generator high-high level and provide more restrictive setting limits for certain reactor protection system/engineered safety features actuation system setpoints.

Date of issuance: December 28, 1995.

Effective date: December 28, 1995.

Amendment Nos. 206 and 206.

Facility Operating License Nos. DPR–32 and DPR–37: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: August 30, 1995 (60 FR 45190).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin.

Date of application for amendment: September 19, 1995.

Brief description of amendment: The amendment makes administrative changes to the KNPP Technical Specifications (TS) to improve their clarity and consistency. The amendment includes changes to reflect revisions to 10 CFR Part 20, and changes to correct minor typographical and format inconsistencies as part of the licensee's ongoing effort to convert the TS to the WordPerfect format.

Date of issuance: December 21, 1995.

Effective date: December 21, 1995.

Amendment No.: 122.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register*:* October 11, 1995 (60 FR 52936).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 21, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Wisconsin, Cofrin Library, 2420 Nicolet Drive, Green Bay, Wisconsin 54311–7001.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin.

Date of application for amendments: April 27, 1995, as supplemented by letter dated November 29, 1995.

Brief description of amendments: The amendments revise TS Table 15.3.5–1, ''Engineered Safety Features Initiation Instrument Setting Limits,'' and TS Table 15.3.5–3, ''Engineered Safety Features.'' Setting limits are modified and references are changed. The bases for TS Section 15.3.5, ''Instrumentation System,'' are also changed to be consistent with the TS changes.

Date of issuance: December 27, 1995.

Effective date: December 27, 1995.

Amendment Nos.: 167 and 171.

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register*:* May 23, 1995 (60 FR 27346). The November 29, 1995, submittal provided supplemental information which did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 27, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241.

Dated at Rockville, Maryland, this 11th day January 1996.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–676 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P 11

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a proposed revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG–8016 (which should be mentioned in all correspondence concerning this draft guide), is a proposed Revision 1 to Regulatory Guide 8.37, ''Constraints for Air Effluents for Licensees Other Than Power Reactors.'' This guide is being revised to provide guidance on demonstrating compliance with proposed constraints for air effluents. These constraints were delineated in amendments that were proposed for 10 CFR Part 20, ''Standards for Protection Against Radiation,'' on December 13, 1995 (60 FR 63984).

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the draft guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments will be most helpful if received by March 12, 1996.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on the rulemaking are also available for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and databases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS: 703–321–8020; Telnet via Internet: fedworld.gov (192.239.93.3); File Transfer Protocol (FTP) via Internet: ftp.fedworld.gov (192.239.92.205); and World Wide Web using: http://www.fedworld.gov (this is the Uniform Resource Locator (URL)).

If using a method other than the toll free number to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''F—Regulatory, Government Administration and State Systems,'' then selecting ''A—Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''A—U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. You can also go directly to the NRC Online area by typing ''/go nrc'' at a FedWorld command line. If you access NRC from

FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system. For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov. For more information on this Draft Regulatory Guide DG–8016, contact Ms. Charleen Raddatz, telephone (301) 415–6215; e-mail CTR@nrc.gov.

Although a time limit is given for comments on this draft, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory Services Section. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 26th day of December 1995.

For the Nuclear Regulatory Commission.

Sher Bahadur,

Acting Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 96–679 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

National Academy of Sciences, Institute of Medicine; Receipt of Report on NRC's Medical Use Program

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Report on NRC's medical use program: Notice of receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission is publishing for public comment a notice of receipt of a prepublication copy of a report from the National Academy of Sciences, Institute of Medicine (IOM), entitled ''Radiation in Medicine: A Need for Regulatory Reform,'' prepared as part of an external review of the NRC's medical use regulatory program. The goal of the external review was to develop an assessment of the adequacy and appropriateness of the current regulatory framework for medical use of byproduct material. NRC is currently reviewing and analyzing the report. As part of the initial review, NRC is soliciting comments on the possible impact of the report, to include any views on policy, legislative, rulemaking, and guidance issues. There will be additional opportunity for discussion during the ongoing analysis of the report.

DATES: Submit comments by April 22, 1996. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For a copy of the prepublication report, ''Radiation in Medicine: A Need for Regulatory Reform,'' contact: National Academy Press, Office of News and Public Information, 2101 Constitution Avenue, NW, Washington, DC 20418, or telephone (202) 334–3313 or (Toll-Free) (800) 624–6242.

FOR FURTHER INFORMATION CONTACT: Patricia K. Holahan, Ph.D., U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, MS T8F5, Washington, DC 20555, Telephone (301) 415–7270.

SUPPLEMENTARY INFORMATION: In January 1994, the NRC contracted with the National Academy of Sciences, IOM, to conduct an external review of the NRC's medical regulatory program. It included a review of the basic regulatory rules, policies, practices, and procedures. There were three major goals of the study: (1) Examination of the overall risk associated with the use of ionizing radiation in medicine; (2) examination of the broad policy issues that underlie the regulation of the medical uses of radioisotopes; and (3) a critical assessment of the current framework for the regulation of the medical uses of byproduct material. The NRC was seeking specific recommendations on two major issues: (1) A uniform national approach to the regulation of ionizing radiation in all medical applications, including consideration of how the regulatory authority and responsibility for medical devices sold in interstate commerce for application of radiation to human beings should be allocated among Federal Government agencies and between the Federal and State Governments; and (2) appropriate criteria to measure the effectiveness of regulatory program(s) needed to protect public health and safety.

Dated at Rockville, Maryland, this 11th day of January, 1996.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–697 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–237, 50–249]

Commonwealth Edison Company (Dresden Nuclear Power Station, Unit Nos. 2 and 3); Exemption

I

The Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. DPR–19 and DPR–25, which authorize operation of the Dresden Nuclear Power Station, Units 2 and 3 (the facilities). The licenses provide, among other things, that the facilities are subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are boiling water reactors located at the licensee's site in Grundy County, Illinois.

II

In 10 CFR 73.55, ''Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage,'' paragraph (a), in part, states that ''the licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.''

In 10 CFR 73.55(d), ''Access Requirements,'' paragraph (1), it specifies that ''the licensee shall control all points of personnel and vehicle access into a protected area.'' Also, 10 CFR 73.55(d)(5) requires that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' It further states that individuals not employed by the licensee (e.g., contractors) may be authorized access to protected areas

without escort provided that the individual, ''receives a picture badge upon entrance into a protected area which must be returned upon exit from the protected area * * *.''

By letter dated November 20, 1995, the licensee requested an exemption from certain requirements of 10 CFR 73.55. The licensee proposes to implement an alternative unescorted access system which would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area and would allow all individuals, including contractors, to keep their picture badges in their possession when departing Dresden Station.

III

Pursuant to 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. According to 10 CFR 73.55, the Commission may authorize a licensee to provide alternative measures for protection against radiological sabotage provided the licensee demonstrates that the alternative measures have the same ''high assurance'' objective, that the proposed measures meet the general performance requirements of the regulation, and that the overall level of system performance provides protection against radiological sabotage equivalent to that which would be provided by the regulation.

Currently, unescorted access into the protected area for both employee and contractor personnel into Dresden Station, Units 2 and 3, is controlled through the use of picture badges. Positive identification of personnel who are authorized and request access into the protected area is established by security personnel making a visual comparison of the individual requesting access and that individual's picture badge. In accordance with 10 CFR 73.55(d)(5), contractor personnel are not allowed to take their picture badges off site. In addition, in accordance with the plant's physical security plan, the licensee's employees are also not allowed to take their picture badges off site.

The proposed system will require that all individuals with authorized unescorted access have the physical characteristics of their hand (hand geometry) registered with their picture badge number in a computerized access control system. Therefore, all authorized individuals must not only have their picture badge to gain access to the protected area, but must also have their hand geometry confirmed. All individuals, including contractors, who have authorized unescorted access into the protected area will be allowed to keep their picture badges in their possession when departing the Dresden Station.

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. It should also be noted that the proposed system is only for individuals with authorized unescorted access and will not be used for those individuals requiring escorts.

Sandia National Laboratories conducted testing which demonstrated that the hand geometry equipment possesses strong performance characteristics. Details of the testing performed are in the Sandia report, ''A Performance Evaluation of Biometric Identification Devices,'' SAND91—0276 UC—906 Unlimited Release, June 1991. Based on the Sandia report and the licensee's experience using the current photo picture identification system, the false acceptance rate for the proposed hand geometry system would be at least equivalent to that of the current system. To assure that the proposed system will continue to meet the general performance requirements of 10 CFR 73.55(d)(5), the licensee will implement a process for testing the system. The site security plans will also be revised to allow implementation of the hand geometry system and to allow employees and contractors with unescorted access to keep their picture badges in their possession when leaving Dresden Station.

IV

For the foregoing reasons, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet the same high assurance objective and the general performance requirements of 10 CFR 73.55. In addition, the staff has determined that the overall level of the proposed system's performance will provide protection against radiological sabotage equivalent to that which is provided by the current system in accordance with 10 CFR 73.55.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the following exemption:

The requirement of 10 CFR 73.55(d)(5) that individuals who have been granted unescorted access and are not employed by the licensee are to return their picture badges upon exit from the protected area is no longer necessary. Thus, these individuals may keep their picture badges in their possession upon leaving Dresden Nuclear Power Station.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (61 FR 669).

Dated at Rockville, Maryland, this 5th day of January 1996.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Deputy Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–701 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. STN 50–454 and STN 50–455]

Commonwealth Edison Company (Byron Station, Units 1 and 2); Exemption

I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. NPF–37 and NPF–66, which authorize operation of Byron Station, Units 1 and 2 (the facilities). The licenses provide, among other things, that the facilities are subject to all the rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are pressurized water reactors located at the licensee's site in Ogle County, Illinois.

II

In 10 CFR 73.55, ''Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Radiological Sabotage,'' paragraph (a), in part, states that ''the licensee shall establish and maintain an onsite physical protection system and security organization which will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.''

In 10 CFR 73.55(d), ''Access Requirements,'' paragraph (1), it specifies that ''the licensee shall control all points of personnel and vehicle access into a protected area.'' Also, 10

CFR 73.55(d)(5) requires that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' It further states that individuals not employed by the licensee (e.g., contractors) may be authorized access to protected areas without escort provided that the individual, ''receives a picture badge upon entrance into a protected area which must be returned upon exit from the protected area. * * *''

The licensee proposes to implement an alternative unescorted access system which would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area and would allow all individuals, including contractors, to keep their picture badges in their possession when departing the Byron site.

III

Pursuant to 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application of interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. According to 10 CFR 73.55, the Commission may authorize a licensee to provide alternative measures for protection against radiological sabotage provided the licensee demonstrates that the alternative measures have the same ''high assurance'' objective, that the proposed measures meet the general performance requirements of the regulation, and that the overall level of system performance provides protection against radiological sabotage equivalent to that which would be provided by the regulation.

Currently, unescorted access into the Byron Station, Units 1 and 2, is controlled through the use of picture badges. Positive identification of personnel who are authorized and request access into the protected area is established by security personnel making a visual comparison of the individual requesting access and that individual's picture badge. In accordance with 10 CFR 73.55(d)(5), contractor personnel are not allowed to take their picture badges off site. In addition, in accordance with the plant's physical security plan, the licensee's employees are also not allowed to take their picture badges off site.

The proposed system will require that all individuals with authorized unescorted access have the physical characteristics of their hand (hand geometry) registered with their picture badge number in a computerized access control system. Therefore, all authorized individuals must not only have their picture badge to gain access to the protected area, but must also have their hand geometry confirmed. All individuals, including contractors, who have authorized unescorted access into the protected area will be allowed to keep their picture badges in their possession when departing the Byron 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. It should also be noted that the proposed system is only for individuals with authorized unescorted access and will not be used for those individuals requiring escorts.

Sandia National Laboratories conducted testing which demonstrated that the hand geometry equipment possesses strong performance characteristics. Details of the testing performed are in the Sandia report, ''A Performance Evaluation of Biometric Identification Devices,'' SAND91—0276 UC—906 Unlimited Release, June 1991. Based on the Sandia report and the licensee's experience using the current photo picture identification system, the false acceptance rate for the proposed hand geometry system would be at least equivalent to that of the current system. To assure that the proposed system will continue to meet the general performance requirements of 10 CFR 73.55(d)(5), the licensee will implement a process for testing the system. The site security plans will also be revised to allow implementation of the hand geometry system and to allow employees and contractors with unescorted access to keep their picture badges in their possession when leaving the Byron site.

IV

For the foregoing reasons, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet the same high assurance objective and the general performance requirements of 10 CFR 73.55. In addition, the staff has determined that the overall level of the proposed system's performance will provide protection against radiological sabotage equivalent to that which is provided by the current system in accordance with 10 CFR 73.55.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest.

Therefore, the Commission hereby grants the following exemption:

The requirement of 10 CFR 73.55(d)(5) that individuals who have been granted unescorted access and are not employed by the licensee are to return their picture badges upon exit from the protected area is no longer necessary. Thus, these individuals may keep their picture badges in their possession upon leaving the Byron site.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (60 FR 67369).

Dated at Rockville, Maryland, this 5th day of January 1996.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Deputy Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–700 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. IA 95–055; ASLBP No. 96–712–01–EA]

James L. Shelton; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission December 29, 1972 dated published in the Federal Register, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and supplemental petitions to intervene and to preside over the proceeding in the event that a hearing is ordered.

James L. Shelton
Order Prohibiting Involvement in NRC-Licensed Activities
(Effective Immediately)
EA 95–101

This Board is being established pursuant to a notice published by the Commission on November 7, 1995, in the Federal Register (60 FR 56176). The petitioner, James L. Shelton, requests a hearing regarding an Order issued by Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, dated October 31, 1995, entitled ''Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately).''

The Board is comprised of the following administrative judges:

Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Frank F. Hooper, 26993 McLaughlin Boulevard, Bonita Springs, FL 33923

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 10th day of January 1996.

B. Paul Cotter, Jr.,

Chief Administrative Judge.

[FR Doc. 96–671 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–445 and 50–446]

Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–87 and NPF–89, issued to Texas Utilities Electric Company (TU Electric, the licensee), for operation of the Comanche Peak Steam Electric Station, Units 1 and 2 located in Somervell County, Texas.

The proposed exigent amendment Technical Specification (TS) would temporarily change the TS to revise the requirements for Minimum Channels OPERABLE for Wide Range RCS (Reactor Coolant System) Temp. (Temperature)-T_h remote shutdown indication for CPSES Unit 2. The minimum number of channels required is being revised from 1 per RCS Loop for each RCS Loop to 1 per RCS Loop for 3 of the 4 RCS Loops. This temporary change is requested as a result of the failure of one of the T_h channels in a manner which cannot be repaired without a unit shutdown and a possible cooldown. NRC granted enforcement discretion on January 5, 1996, to allow the facility to continue operation while this exigent TS is processed.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The unavailability of one RCS Loop T_h indication at the HSP cannot be an initiating event for nor affect the progression or mitigation of any licensing basis accident; therefore the probability of occurrence of any licensing accident cannot be affected.

The request proposes to change the minimum channels operable for Wide Range Hot Leg RCS Temperature T_h indication at the HSP. Sufficient alternate instrumentation is available on the HSP to provide the information normally directly obtained from T_h. The current Technical Specifications acknowledge the need to and allow for operation with one T_h inoperable for the Allowed Outage Time (AOT) in the action statement. The current Technical Specifications have an AOT of seven days. Further, the improved Standard Technical Specifications allows an AOT of 30 days. The duration of this request is not significantly different than these time periods. Thus the consequences of a remote shutdown with the affected instrument inoperable have already been considered and this change will not increase the consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Operation for a period of time with the one RCS Loop T_h unavailable will not create the possibility of a new or different kind of accident from any accident previously evaluated. No hardware modifications are being made and no plant procedures are being revised that would alter normal plant operations.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The Wide Range Hot Leg RCS Temperature indication at the HSP is only required in the event that a remote shutdown from outside the control room is needed. The availability of other remote shutdown indications (including T_c, T_h in other RCS Loops, and Steam Generator pressure) in combination with licensed operators who have been briefed on how to compensate for an inoperable T_h for one RCS Loop using these other indications, assures that the increased unavailability of the instrument will not have a significant effect in the margin of safety.

The Reactor Building Emergency Cooling system is not an initiator of any accident described in the ANO–1 Safety Analysis Report. The engineering evaluation discussed above verifies that the green train of the Reactor Building Emergency Cooling system remains operable and capable of performing its design function under all postulated accident conditions. Therefore, the probability or consequences of any previously evaluated accident is not increased.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15 day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 20, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to [APPROPRIATE PD]: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L. Street, N.W., Washington, D.C. 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a) (1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 5, 1996, 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this day of January 1996.

For the Nuclear Regulatory Commission

Timothy J. Polich, Project Manager,

Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–675 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Number 40–0299]

Umetco Minerals Corporation; Notice of Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Receipt of Application from Umetco Minerals Corporation to change site-reclamation milestones in Condition 59 of Source Material License SUA–648 for the Gas Hills, Wyoming Uranium Mill site.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letters dated November 27, 1995, and January 4, 1996, an application from Umetco Minerals Corporation (Umetco) to amend License Condition (LC) 59 of Source Material License No. SUA–648 for the Gas Hills Wyoming uranium mill site.

The license amendment application proposes to modify LC 59 to change the completion dates for three site reclamation milestones. The new dates proposed by Umetco would extend completion of (1) placement of final radon barrier on the A–9 impoundment by three years, (2) placement of erosion protection on the A–9 impoundment by three years, and (3) projected completion of groundwater corrective actions by four years.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6640.

SUPPLEMENTARY INFORMATION: The portions of LC 59 with the proposed changes would read as follows:

A. (3) Placement of final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m2/s above background:

For the A–9 Impoundment—December 31, 1999.

B. (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of Appendix A of 10 CFR Part 40:

For the A–9 Impoundment—December 31, 2000.

(2) Projected completion of ground-water corrective actions to meet performance objectives specified in the ground-water corrective action plan—December 31, 2000.

Umetco's application to amend LC 59 of Source Material License SUA–648, which describes the proposed changes to the license condition and the reason for the request is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Umetco Minerals Corporation, P.O. Box 1029, Grand Junction, Colorado 81502, Attention: Pat Lyons; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 5th day of January 1996.

Daniel M. Gillen,

Acting Chief.

High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–699 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Number 40–1162]

Western Nuclear, Inc.; Notice of Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of application from Western Nuclear, Inc. to change site-reclamation milestones in Condition 75 of Source Material License SUA–56 for the Split Rock, Wyoming Uranium Mill site.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated October 18, 1995, an application from Western Nuclear, Inc. (WNI) to amend License Condition (LC) 75 of Source Material License No. SUA–56 for the Split Rock Wyoming uranium mill site.

The license amendment application proposes to modify LC 75 to change the completion dates for several site reclamation milestones. The new dates proposed by WNI would extend completion of (1) placement of final radon barrier on portions of the disposal cells by up to three years, (2) placement of erosion protection by up to three years, and (3) completion of groundwater corrective action by two years.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6640.

SUPPLEMENTARY INFORMATION: The portions of LC 75 with the proposed changes would read as follows:

A. (3) Placement of final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background as described in WNI's submittal of June 14, 1994.

(a) For areas 3A and 3B—December 31, 1994 (Completed).

(b) For Area 2B—December 31, 1995 (Completed).

(c) For Area 1C—December 31, 1996.

(d) For Areas 1A, 1B, 2A, and 2C—

December 31, 1998.

B. (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of Appendix A of 10 CFR Part 40.

(a) For areas 3A and 3B—June 30, 1995 (Completed).

(b) For Area 2B—June 30, 1996.

(c) For Area 1C—June 30, 1997.

(d) For Areas 1A, 1B, 2A, and 2C—June 30, 1999.

(2) Projected completion of groundwater corrective actions to meet performance objectives specified in the groundwater corrective action plan—December 31, 1998.

WNI's application to amend LC 75 of Source Material License SUA–56, which describes the proposed changes to the license condition and the reason for the request is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Western Nuclear, Inc., Union Plaza Suite 300, 200 Union Boulevard, Lakewood, Colorado 80228, Attention: Stephanie J. Baker; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 5th day of January 1996.

Daniel M. Gillen,

Acting Chief, High-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–698 Filed 1–19–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Rescission of OMB Circular

AGENCY: Office of Management and Budget.

ACTION: Proposed rescission of OMB Circular A–106.

SUMMARY: Notice is hereby given that OMB intends to rescind Circular No. A–106, ''Reporting Requirements in Connection With the Prevention, Control, and Abatement of Environmental Pollution at Existing Federal Facilities.'' The circular provides reporting procedures for Federal agencies to prepare and submit semi-annual plans to OMB for the control of environmental pollution at Federal facilities. The plans, prepared under Environmental Protection Agency (EPA) guidelines, identify environmental pollution improvements and associated costs for Federally owned or leased facilities. Circular A–106 is being proposed for rescission because its requirements are duplicative and inconsistent with the reporting requirements of Executive Order 12088, ''Federal Compliance With Pollution Control Standards,'' which will remain in effect after the Circular is rescinded. Terminating the circular was recommended in the Vice President's National Performance Review to eliminate duplicative reporting requirements and to allow agencies to report under Executive Order 12088 using their own in-house data systems or an inter-agency system provided by EPA.

DATES: Persons who wish to comment on the proposed rescission of Circular No. A–106 should submit their comments no later than February 22, 1996. The rescission will take place 45 days after the close of the comment period, unless the comments raise significant concerns regarding the proposed rescission.

ADDRESSES: Comments should be addressed to: Kevin Neyland, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW, Room 8026, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information on the rescission of Circular No. A–106, contact Kevin Neyland at (202) 395–6827. For further information on OMB's overall review of its circulars, contact Frank J. Seidl, III, Staff Assistant, at (202) 395–5146; or Rosalyn Rettman, Associate General Counsel for Budget at (202) 395–5600.

SUPPLEMENTARY INFORMATION: The Director of the Office of Management and Budget (OMB) has initiated a systematic review of all OMB circulars, in an effort to reduce unnecessary Government directives. As part of this initiative, each OMB circular is being reviewed to see whether it should be rescinded or whether its requirements can be simplified.

John B. Arthur,

Associate Director for Administration.

[FR Doc. 96–630 Filed 1–19–96; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF PERSONNEL MANAGEMENT

The National Partnership Council

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

TIME AND DATE: 1:00 p.m., January 24, 1996.

PLACE: Internal Revenue Service, Andover Service Center Auditorium, 310 Lowell Street, Andover, Massachusetts 01810.

STATUS: This meeting will be open to the public. Seating will be available on a first-come, first-served basis. Handicapped individuals wishing to attend should contact OPM at the number shown below to obtain appropriate accommodations.

MATTERS TO BE CONSIDERED: This will be an interactive meeting. There will be presentations on New England area partnership experiences followed by an audience participation segment. Persons seated in the audience will be invited to ask questions from the floor.

CONTACT PERSON FOR MORE INFORMATION: Douglas K. Walker, National Partnership Council, Executive Secretariat, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 5315, Washington, DC 20415–0001, (202) 606–1000.

SUPPLEMENTARY INFORMATION: We are giving less than 15 days notice of this meeting because of the furlough and snow closings.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 96–711 Filed 1–19–96; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36720; File No. SR–NASD–95–42]

Self-Regulatory Organizations; Notice of Extension of Comment Period for Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to NAqcess System and Accompanying Rules of Fair Practice

January 16, 1996.

On December 1, 1995, the Commission published for notice and comment a proposed rule change filed by the National Association of Securities Dealers, Inc. (''NASD'') regarding the introduction of the Nasdaq Stock Market's NAqcess system, a new system designed to replace the Small Order Execution System (''SOES'').[1] In the release, the Commission requested that comments on the NAqcess proposal be received by January 16, 1996.

Recently, Commission staff have received requests from interested persons for an extension of time within which to comment on the NAqcess proposal. In addition, a major snowstorm altered the schedules of many places of business in the northeastern portion of the United States last week.

In light of the substantial nature of the NAqcess proposal, and the Commission's desire to consider the views of all interested persons on the subject, the Commission believes that an extension of the comment period is appropriate. Therefore, the comment period for responding to Securities Exchange Act Release No. 36548 is hereby extended from January 16, 1996, until January 26, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–736 Filed 1–17–96; 3:35 pm]

BILLING CODE 8010–01–P

[1] Securities Exchange Act Release No. 36548 (December 1, 1995), 60 FR 63092 (December 8, 1995).

[2] 17 CFR 200.30–3(a)(12).

[Release No. 34–36719; File No. SR–NASD–95–60]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to a Six-Month Extension of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature

January 16, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 19, 1995, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD proposes to extend, until July 31, 1996, the effectiveness of certain rules governing the operation of The Nasdaq Stock Market, Inc.'s (''Nasdaq'') Small Order Execution System (''SOES''). Specifically, these SOES rules, which were previously approved by the Commission on a pilot basis on December 23, 1993[1] and recently extended through January 31, 1996,[2] provide for: (1) A reduction in the minimum exposure limit for unpreferenced SOES orders from five times the maximum order size to two times the maximum order size, and for the elimination of exposure limits for preferenced orders (''SOES Minimum Exposure Limit Rule''); and (2) implementation of an automated function for updating market maker quotations when the market maker's exposure limit has been exhausted (''SOES Automated Quotation Update Feature''). These rules are part of a set of SOES rules approved by the SEC on a pilot basis known as the Interim SOES Rules.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in 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

The Commission originally approved the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature on a one-year pilot basis in December 1993, along with two other SOES rules which have since lapsed.[4] Since December 1993, the SEC has approved three NASD proposals to extend the effectiveness of the rules, with the most recent approval extending the rules through January 31, 1996.[5] With this filing the NASD proposes to further extend the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature until July 31, 1996, so that the rules can continue on an uninterrupted basis until the SEC has had an opportunity to

[1] *See* Securities Exchange Act Release No. 33377 (December 23, 1993), 58 FR 69419 (December 30, 1993) (''Interim SOES Rules Approval Order'').

[2] *See* Securities Exchange Act Release No. 36311 (September 29, 1995), 60 FR 52438 (October 6, 1995) (''Interim SOES Rules Extension Order'').

[3] As first approved by the Commission on December 23, 1993, the Interim SOES Rules had four components: (1) The SOES Minimum Exposure Limit; (2) the Automated Quotation Update; (3) a reduction in the maximum size order eligible for execution through SOES from 1,000 shares to 500 shares (''SOES Maximum Order Size''); and (4) the prohibition of short sales through SOES. The SOES Maximum Order Size Rule lapsed effective March 28, 1995, and the rule prohibiting the execution of short sales through SOES lapsed effective January 26, 1995.

[4] *See* Interim SOES Rules Approval Order, *supra* note 1.

[5] *See* Interim SOES Rules Extension Order, *supra* note 2, and Securities Exchange Act Release Nos. 35275 (January 25, 1995), 60 FR 6327 (February 1, 1995); 35535 (March 27, 1995), 60 FR 16690 (March 31, 1995).

consider Nasdaq's proposed NAqcess system.

As described in more detail below, because the NASD believes implementation of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have been associated with positive developments in the markets for Nasdaq securities and clearly have not had any negative effects on market quality, the NASD believes it is appropriate and consistent with the maintenance of fair and orderly markets and the protection of investors for the Commission to approve a further limited extension of the effectiveness of these rules. The NASD believes the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature reflect a reasoned approach by the NASD to address the adverse effects on market liquidity attributable to active intra-day trading activity through SOES, while at the same time not compromising the ability of small, retail investors to receive immediate executions through SOES. Specifically, these rules are designed to address concerns that concentrated, aggressive use of SOES by a growing number of order entry firms has resulted in increased volatility in quotations and transaction prices, wider spreads, and the loss of liquidity for individual and institutional investor orders.

The NASD believes that the same arguments and justifications made by the NASD in support of approval of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and three extensions of these rules are just as compelling today as they were when the SEC relied on them to initially approve these rules. In sum, the NASD continues to believe that concentrated bursts of SOES activity by active order-entry firms contribute to increased short-term volatility, wider spreads, and less market liquidity on Nasdaq and that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature are an effective means to minimize these adverse market impacts. In addition, given the increased utilization of SOES since the SOES Maximum Order Size Rule lapsed at the end of March 1995, the NASD believes it is even more imperative that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature remain in effect to help to ensure the integrity of the Nasdaq market and prevent waves of SOES orders from a handful of SOES order-entry firms from degrading market liquidity and contributing to excessive short-term market volatility.

The NASD notes that the SEC made specific findings in the Interim SOES Rules Approval Order that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature were consistent with the Act. In particular, the SEC stated in its approval order that:

a. Because the benefits for market quality of restricting SOES usage outweigh any potential decrease in pricing efficiency, the Commission concludes that the net effect of the proposal is to remove impediments to the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that the proposed rule changes are designed to produce accurate quotations, consistent with Sections 15A(b)(6) and 15A(b)(11) of the Act. In addition, the Commission concludes that the benefits of the proposal in terms of preserving market quality and preserving the operational efficiencies of SOES for the processing of small size retail orders outweigh any potential burden on competition or costs to customers or broker-dealers affected adversely by the proposal. Thus, the Commission concludes that the proposal is consistent with Section 15A(b)(9) of the Act in that it does not impose a burden on competition which is not necessary or appropriate in furtherance of the purposes of the Act.[6]

b. The Commission also concludes that the proposal advances the objectives of Section 11A of the Act. Section 11A provides that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure economically efficient execution of securities transactions, fair competition among market participants, and the practicality of brokers executing orders in the best market. The Commission concludes that the proposal furthers these objectives by preserving the operational efficiencies of SOES for the processing of small orders from retail investors.[7]

c. The Commission believes that it is appropriate to restrict trading practices through SOES that impose excessive risks and costs on market makers and jeopardize market quality, and which do not provide significant contributions to liquidity or pricing efficiency * * * The Commission believes that it is more important to ensure that investors seeking to establish or liquidate an inventory position have ready access to a liquid Nasdaq market and SOES than to protect the ability of customers to use SOES for intra-day trading strategies.[8]

d. The Commission believes that there are increased costs associated with active intra-day trading activity through SOES that undermine Nasdaq market quality. * * * Active intra-day trading activity through SOES can also contribute to instability in the market.[9]

e. In addition, these waves of executions can make it difficult to maintain orderly markets. Given the increased volatility associated with these waves of intra-day trading activity, market makers are subject to increased risks that concentrated waves of orders will cause the market to move away. As a result, individual market makers may be unwilling to narrow the current spread and commit additional capital to the market by raising the bid or lowering the offer. When market makers commit less capital and quote less competitive markets, prices can be expected to deteriorate more rapidly. Accordingly, the Commission believes that it is appropriate for the NASD to take measured steps to redress the economic incentives for frequent intra-day trading inherent in SOES to prevent SOES activity from having a negative effect on market prices and volatility.[10]

f. The Commission does not believe that intra-day trading strategies through SOES contribute significantly to market efficiency in the sense of causing prices to reflect information more accurately.[11]

g. The Commission has evaluated each of the proposed modifications to SOES, and concludes that each of the modifications reduces the adverse effects of active trading through SOES and better enables market makers to manage risk while maintaining continuous participation in SOES. In addition, the Commission does not believe that any of the modifications will have a significant negative effect on market quality. To the extent that any of the modifications may result in a potential loss of liquidity for small investor orders, the Commission believes that these reductions are marginal and are outweighed by the benefits of preserving market maker participation in SOES and increasing the quality of executions for public and institutional orders as a result of the modifications.[12]

h. The Commission * * * has determined that the instant modifications to SOES further objectives of investor protection and fair and orderly markets, and that these goals, on balance, outweigh any marginal effects on liquidity for small retail orders, and any anti-competitive effects on order entry firms and their customers. The Commission concludes that the ability of active traders to place trades through a system designed for retail investors can impair market efficiency and jeopardize the level of market making capital devoted to Nasdaq issues. The Commission believes that the rule change is an appropriate response to active trading through SOES, and that the modifications will reduce the effects of concentrated intra-day SOES activity on the market.[13]

The NASD believes these significant statutory findings by the SEC regarding the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and the SEC's assessment of the likely benefits to the marketplace that would result from the rules have been confirmed and substantiated by econometric studies on

[6] Interim SOES Rules Approval Order, *supra* note 1, 58 FR at 69423.

[7] *Id.*

[8] *Id.* at 69424–25.

[9] *Id.*

[10] *Id.* at 69425–26.

[11] *Id.*

[12] *Id.*

[13] *Id.* at 69429.

the effectiveness of the Interim SOES Rules conducted by the NASD's Economic Research Department [14] and an independent economist commissioned by the NASD.[15] When the SEC approved the Interim SOES Rules, it stated that ''[a]ny further action the NASD seeks with respect to SOES—extension of these modifications upon expiration, or introduction of other changes—will require an independent consideration under Section 19 of the Act.'' [16] In addition, the SEC stated that, should the NASD desire to extend these SOES changes or modify SOES, the Commission would expect ''the NASD to monitor the quality of its markets and assess the effects of [the approved SOES] changes on market quality for Nasdaq securities.'' Also, if feasible, the SEC instructed the NASD to provide a quantitative and statistical assessment of the effects of the SOES changes on market quality; or, if an assessment is not feasible, the SEC stated that the NASD should provide a reasoned explanation supporting that determination.

In sum, the NASD's study found that:

- Since the SOES changes went into effect in January 1994, the statistical evidence indicated that when average daily volume, stock price, and stock price volatility are held constant through regression techniques, quoted percentage spreads in Nasdaq securities experienced a decline in the immediate period following implementation of the changes and have continued to decline since then. The statistical evidence also showed that the narrowing of quoted percentage spreads became more pronounced and robust the longer the Interim SOES Rules were in effect. In particular, quoted spreads in cents per share for the 500 largest Nasdaq National Market (''NNM'') securities experienced a sharp decline from April 28 to May 12 and from June 23 to July 18; [17]
- With the exception of a brief, market-wide period of volatility experienced by stocks traded on Nasdaq, the New York Stock Exchange, and the American Stock Exchange during the Spring, the volatility of Nasdaq securities appears to be unchanged in the period following implementation of the changes; and
- A smaller percentage of Nasdaq stocks experienced extreme relative price volatility after implementation of the rules and that these modifications, in turn, suggest a reduction in relative volatilities since the rules were put into effect.

The Furbush Study found that there was a statistically significant improvement in effective spreads for the top 100 Nasdaq stocks (based on dollar volume) during the three month period following implementation of the rules. Moreover, the study also found that the most significant improvement in effective spreads for the top 100 stocks occurred for trade sizes between 501 and 1,000 shares, precisely the level that was made ineligible for SOES trading by the Interim SOES Rules. In addition, the study found that the average number of market makers for the top ten Nasdaq-listed stocks increased from 44.3 to 46.0, or 3.8 percent, and from 30.2 to 30.9 for the top 100 stocks, or 2.3 percent. Although correlation does not necessarily imply causation, as noted by the SEC when it approved the Interim SOES Rules and extensions of the Interim SOES Rules, the NASD believes that positive market developments clearly have been associated with implementation of the Interim SOES Rules.

The NASD also believes that these studies of the effectiveness of the Interim SOES Rules lend credence to another NASD study that was submitted to the SEC in support of approval of the Interim SOES Rules.[18] In the May 1993 SOES Study, the NASD found that concentrated waves of orders entered into SOES by active order-entry firms resulted in discernible degradation to the quality of the Nasdaq market. Specifically, the study found, among other things, that: (1) Bursts of orders entered into SOES by active order entry firms frequently result in a decline in the bid price and a widening of the bid-ask spread; (2) that there is a significant positive relationship between increases in spreads and volume attributable to active order-entry firms as it related to total SOES volume per security; and (3) activity by active order-entry firms resulted in higher price volatility and less liquidity—higher price changes are associated with high active trading firm volume, even after controlling for normal price fluctuations.

The NASD also believes market activity since the SOES Maximum Order Size Rule lapsed on March 28, 1995, provides further support for the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and the NASD's economic rationale for these rules. In particular, an analysis prepared by the NASD's Economic Research Department clearly illustrates that there has been a dramatic increase in SOES volume since the SOES Maximum Order Size Rule lapsed and that many market maker positions have been abandoned. These two phenomena appear to be linked. Those Nasdaq stocks that have experienced the greatest decline in the number of market makers are the ones that have experienced the greatest increase in SOES volume since the rule lapsed.[19] The NASD believes these figures indicate that the relaxation of one of the Interim SOES Rules may have contributed to some of the adverse market developments that the NASD was seeking to avoid through implementation of the Interim SOES Rules (*e.g.*, degradation in market maker participation and market liquidity).[20] Accordingly, the NASD believes that any further relaxation of the Interim SOES Rules by permitting the SOES Minimum Exposure Limit Rule or the SOES Automated Quotation Update Feature to lapse would further harm the Nasdaq market. In light of the significance of these figures and their indicated adverse ramifications upon the Nasdaq market, the NASD also believes that SEC reconsideration of its position with respect to the entry of 1,000-share orders into SOES is warranted.

In addition, the NASD has recently prepared another report that the NASD believes illustrates that the SOES Minimum Exposure Limit Rule and the

[14] *See* letter from Gene Finn, Vice President & Chief Economist, NASD, to Katherine England, Assistant Director, National Market System & OTC Regulation, SEC, dated October 24, 1994 (letter submitted in connection with the NASD's N•PROVE filing, SR–NASD–94–13).

[15] *See* The Association Between the Interim SOES Rules and Nasdaq Market Quality, Dean Furbush, Ph.D., Economists, Inc., Washington D.C., December 30, 1994 (''Furbush Study'').

[16] Interim SOES Rules Approval Order, *supra* note 1, 59 FR at 69429.

[17] Some press reports have attributed the recent decline in spreads for Nasdaq stocks to the publication, on May 26 and 27, 1994, of newspaper articles in The Wall Street Journal, The Los Angeles Times and other publications reporting the results of an economic study conducted by two academicians that illustrated the lack of odd-eighth quotes for active Nasdaq stocks. Contrary to these press reports, this study shows that spreads had indeed narrowed before publication of these articles (from April 28 to May 12), stabilized at these narrower levels from mid-May until June 23, and declined again from June 23 to July 18.

[18] *See* NASD Department of Economic Research: Impact of SOES Active Trading Firms on Nasdaq Market Quality (May 12, 1993) (''May 1993 SOES Study''). *See also* Securities Exchange Act Release No. 32313 (May 17, 1993), 58 FR 29647 (publication of the study for comment).

[19] *See* letter from Richard G. Ketchum, Executive Vice President & Chief Operating Officer, NASD, to Brandon Becker, Director, Division of Market Regulation, SEC, dated August 1, 1995.

[20] The NASD believes that elimination of the ban against short sales through SOES did not have a dramatic negative market effect because the NASD's short sale rule was approved during the time that the ban was in effect.

SOES Automated Quotation Update Feature have had no adverse impact on the market for Nasdaq securities.[21] This report was in response to the Commission's request in the Interim SOES Rules Extension Order that the NASD: monitor the extent to which exposure limits are exhausted, the extent to which the automated quotation update feature is used, and the effects these two aspects have on liquidity. Moreover, the Commission expects the NASD to consider the possibility of enhancements to eliminate the potential for delayed and/or inferior executions.[22]

In sum, the December 1995 Monitoring Report found that it is a very infrequent occurrence for a market maker to have its exposure limit exhausted in a NNM security. In particular, from the period October 2, 1995 to November 22, 1995, there were, on average, 83 instances per day where a market maker's exposure limit in NNM securities was exhausted.[23] Thus, given the fact that there was an average of 44,062 market making positions in NNM securities and 3,932 NNM securities trading per day during this time period, the impact of these individual exposure limit exhaustions on the availability of SOES to investors throughout the trading day was infinitesimal. Each market making position experienced .0019 exposure limit exhaustions per day over this time period and each NNM security experienced .0211 exhaustions per day. Moreover, while Nasdaq could not readily determine the extent to which the exposure limit exhaustions occurred simultaneously in the same security, given the stark infrequency with which the exposure limit exhaustions occurred, the NASD believes it is extremely improbable that a NNM security would experience a situation where the SOES exposure limits for all market makers in that stock were exhausted at the same time. Indeed, this conclusion is borne out by the extremely short time-span in which SOES orders are executed. Specifically, the report shows that, on average, SOES orders are executed 1.62 seconds after entry and that 98.5 percent of all SOES orders are executed within three seconds.[24]

The report also shows that SOES exposure limit exhaustions tend to cluster in active NNM securities with high numbers of market makers. This further illustrates the extremely low probability that all market makers in the same security would ever have their exposure limits exhausted simultaneously. Lastly, examining one trading day, the report shows that active SOES order entry firms accounted for 92 percent of the exposure limit exhaustion, as might be expected given that these firms account for 89 percent of SOES dollar volume. Accordingly, the NASD and Nasdaq believe that the SOES Minimum Exposure Limit Rule has had a very negligible, if any, impact on the availability of SOES to small, retail investors.

The report also found that the Automated Quotation Update Feature appears to be used extensively by some market making firms. Specifically, the report shows that the quote update feature is used by 126 market makers for 10,644 market making positions. Thus, this feature is currently being used by 26 percent of the market makers and for 24 percent of all market making positions. In addition the report shows that, on average, 3,394 quotations a day were generated by the quote update feature from October 2, 1995 to November 21, 1995. Accordingly, the NASD and Nasdaq believe that the Automated Update Feature has effectively served its intended purpose helping to maintain continuous quotations in Nasdaq, minimize ''closed quote'' conditions, and avoid unexcused market maker withdrawals, thereby promoting market liquidity.

Accordingly, the NASD believes the Commission should properly view these two SOES rules as strictures that are highly correlated with improvements in market liquidity, not as rules that have had or could have a damaging effect on liquidity. The NASD and Nasdaq also believe the monitoring report illustrates that implementation of the Automated Quotation Update Feature and the SOES Minimum Exposure Limit Rule have not diminished the significant benefits provided to investors through the automatic execution capabilities of SOES. Simply put, these two SOES rules have in no way altered the operation of SOES as an automatic execution system that affords small, retail investors immediate executions at the inside market. However, as noted in the NASD's proposed NAqcess filing, the NASD believes the limit order processing capabilities and order execution algorithm of SOES could be significantly improved upon for the benefit of small investors and the marketplace as a whole.

Moreover, in the Interim SOES Rules Extension Order, an order approving a proposal identical to the NASD's instant proposal, the SEC found that the continued effectiveness of the SOES Minimum Exposure Limit Rule ''provides customers fair access to the Nasdaq market and reasonable assurance of timely executions.''[25] With respect to the SOES Automated Quotation Update Feature, the SEC also stated that it believes ''that extending the automated update function is consistent with the Firm Quote Rule. The update function provides market makers the opportunity to update their quotations automatically after executions through SOES; under the Commission's Firm Quote Rule, market makers are entitled to update their quotations following an execution and prior to accepting a second order at their published quotes.''[26]

Therefore, in light of the above-cited statutory findings made by the SEC when it first approved the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and extensions of these rules, coupled with the NASD's findings that these rules have been associated with positive market developments in terms of lower spreads on Nasdaq and less stocks with extreme relative price volatility, the NASD believes it would be consistent with the Act for the Commission to extend the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature for a six-month period. Moreover, even if the Commission is unwilling to find positive significance in the NASD's statistical analyses, at the very least, these studies indicate that the market has not been harmed by implementation of these rules.[27] Indeed, the Commission

[21] *See* Monitoring Report of Exhaustion of SOES Exposure Limits and the Usage of Nasdaq Automated Quotation Update Feature, NASD Economic Research Department, December 18, 1995. This report is available for inspection and copying in the Commission's Public Reference Room.

[22] Interim SOES Rules Extension Order, *supra* note 2, 60 FR at 52439, n. 12 (''December 1995 Monitoring Report'').

[23] The highest number of exposure limits exhausted on any day during this period was 119 on November 21, 1995 and the lowest number was 47 on October 4, 1995.

[24] The report also found that SOES orders can experience brief execution delays in isolated instances, as one order took as long as 87 seconds to be executed. While the NASD could not readily identify the reasons for these infrequent execution delays, the NASD believes these delays are likely the result of two factors. First, consistent with the NASD's short-sale rule, short sales entered into SOES cannot be executed on down bids. Second, waves of SOES orders transmitted by active SOES order-entry firms cause queues to develop in the processing of SOES orders, which, in turn, causes execution delays.

[25] Interim SOES Rules Extension Order, *supra* note 2, 60 FR at 52439.

[26] *Id.* (footnotes omitted).

[27] Even if the Commission concludes that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have had no impact on market quality, the NASD believes the

clearly stated in the Interim SOES Rules Extension Order that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have not had a detrimental effect on the Nasdaq market: ''the Commission * * * continues to believe that the data submitted by the NASD demonstrates * * * [no] serious deterioration in the quality of the Nasdaq market subsequent to the adoption of the January 1994 amended SOES Rules.'' [28]

The NASD believes that the proposed rule change is consistent with Sections 15A(b)(6), 15A(b)(9), 15A(b)(11) and 11A(a)(1)(C) of the Act. Among other things, Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Specifically, the NASD is proposing to extend the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature for six months because of concerns that concentrated, aggressive use of SOES by a growing number of order entry firms has resulted in increased volatility in quotations and transaction prices, wider spreads, and the loss of liquidity for individual and institutional investor orders, all to the detriment of public investors and the public interest. The NASD believes the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have operated to rectify this situation while continuing to provide an effective opportunity for the prompt, reliable execution of small orders received from the investing public. Accordingly, in order to protect investors and the public interest, the NASD believes the SEC should approve an additional six-month extension of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature through July 31, 1996, so that small investors' orders will continue to receive the fair and efficient executions that SOES was designed to provide.

Section 15A(b)(9) provides that the rules of the Association may not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature apply across the board and do not target any particular user or participant, as all dealers may set their exposure limits at two times the tier size and all dealers may elect to utilize the automated quote update feature. Accordingly, the NASD believes that these rule changes are not anti-competitive, as they are uniform in application and they seek to preserve the ability of SOES to provide fair and efficient automated executions for small investor orders, while preserving market maker participation in SOES and market liquidity.

Section 15A(b)(11) empowers the NASD to adopt rules governing the form and content of quotations relating to securities in the Nasdaq market. Such rules must be designed to produce fair and informative quotations, prevent fictitious and misleading quotations, and promote orderly procedures for collecting and distributing quotations. The NASD is seeking to continue the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature so that SOES activity may not result in misleading quotations in the Nasdaq market. Market makers place quotes in the Nasdaq system and these quotes comprise the inside market and define the execution parameters of SOES. When volatility in the SOES environment causes market makers to widen spreads or to change quotes in anticipation of waves of SOES orders, quotes in the Nasdaq market become more volatile and may be misleading to the investing public. Accordingly, absent continuation of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature, the quotations published by Nasdaq may not reflect the true market in a security and, as a result, there may be short-term volatility and loss of liquidity in Nasdaq securities, to the detriment of the investing public. Further, the continuation of the automated refresh feature will ensure that a market maker's quotation is updated after an exposure limit is exhausted. Uninterrupted use of this function will maintain continuous quotations in Nasdaq as market makers exhausting their exposure limits in SOES will not be subject to a ''closed quote'' condition or an unexcused withdrawal from the market.

Finally, the NASD believes that the proposed rule change is consistent with significant national market system objectives contained in Section 11A(a)(1)(C) of the Act. This provision states it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure, among other things: (i) Economically efficient execution of securities transactions; (ii) fair competition among brokers and dealers; and (iii) the practicality of brokers executing investor orders in the best market. Specifically, the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature advance each of these objectives by preserving the operational efficiencies of SOES for the processing of small investors' orders, by maintaining current levels of market maker participation through reduced financial exposure from unpreferenced orders, and by reducing price volatility and the widening of market makers' spreads in response to the practices of order entry firms active in SOES.

In addition, for the same reasons provided by the SEC when it approved the Interim SOES Rules that are cited above in the text accompanying footnotes 6 through 13, the NASD believes that the proposed rule change is consistent with Sections 15A(b)(6), 15A(b)(9), 15A(b)(11) and 11A(a)(1)(C) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

Commission's approval of New York Stock Exchange (''NYSE'') Rule 80A on a permanent basis illustrates that the Commission would still have a sufficient basis to approve an extension of the rules for a four-month period. In particular, the SEC's discussion of the statutory basis for approval of NYSE Rule 80A focused in large part on the fact that Rule 80A did not have any adverse impacts on market quality on the NYSE and that, as a result, the NYSE should be given the latitude to take reasonable steps to address excessive volatility in its marketplace. *See* Securities Exchange Act Release No. 29854 (October 24, 1994), 56 FR 55963 (October 30, 1994). Accordingly, the NASD believes the SEC should afford the NASD the same regulatory flexibility that it afforded the NYSE to implement rules reasonably designed to enhance the quality of Nasdaq and minimize the effects of potentially disruptive trading practices.

[28] Interim SOES Rules Extension Order, *supra* note 2, 60 FR at 52439.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–95–60 and should be submitted by January 26, 1996. The SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature expire after January 31, 1996 and, therefore, the Commission requests that interested parties comment by January 26, 1996, so as to allow the Commission sufficient time to consider the views of interested persons prior to the expiration of the rules.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[29]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–737 Filed 1–19–96; 8:45 am]

BILLING CODE 8010–01–P

[29] 17 CFR 200.30–3(a)(12).

[Release No. 35–26450]

Filings Under the Public Utility Holding Company Act of 1935, As Amended (''Act'')

January 11, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by February 5, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Cinergy Corp., et al. (70–8767)

Cinergy Corp. (''Cinergy''), a registered holding company, and Cinergy Services, Inc. (''Services''), Cinergy's wholly-owned service company subsidiary, both of 139 East Fourth Street, Cincinnati, Ohio 45202, and Cinergy Investments, Inc. (''Investments''), Cinergy's wholly owned nonutility holding company subsidiary, 251 North Illinois Street, Suite 1410, Indianapolis, Indiana 46204, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 13 of the Act and rules 45, 54, 87, 90 and 91 thereunder.

Cinergy and Investments propose to establish two new subsidiaries of Investments (collectively, ''EnergyCos'') to engage in district cooling (''CoolCo'') and heating (''HeatCo'') businesses in the greater metropolitan area of Cincinnati, Ohio. The EnergyCos will construct, own and operate one or more combined or stand-alone central chilled water (in the case of CoolCo) and heating plants (in the case of HeatCo), as well as associated distribution pipes and ancillary equipment and facilities within Cincinnati. The EnergyCos will enter into contracts with commercial and industrial customers of Cinergy's electric and gas utility subsidiary, The Cincinnati Gas & Electric Company (''CG&E''), and with CG&E, to deliver chilled and/or heated water (and possibly to a minor extent steam) to the customers' facilities for cooling and heating purposes and render associated services. The EnergyCos may provide financing to customers (exclusive of CG&E) in connection with the replacement of certain equipment on the customers' premises needed to connect to the EnergyCos' distribution pipe systems. Specifically, the EnergyCos will sell the necessary equipment to the customers on credit; the customer would repay the respective EnergyCo for the equipment pursuant to a separate line-item charge to its monthly bill from the EnergyCo for chilled or hot water. The monthly charge would cover a portion of the equipments' total sale price to the customer, reflecting a mark-up from the cost paid by the EnergyCo to the equipment vendor, plus a finance charge. The EnergyCos will not acquire any promissory notes or other securities from the customers.

Investments proposes to organize CoolCo and HeatCo as wholly owned subsidiaries under Ohio law. Investments proposes to acquire shares of the EnergyCos' capital stock (common and/or preferred), which may be denominated as par or no par value stock. Cinergy and Investments propose (to the extent not otherwise exempted under rules 45 and 52) to make interest bearing open account advances and loans to the EnergyCos in connection with their initial capitalization and start up activities. Such open account advances and loans would mature not later than December 31, 2006, and would bear interest at a rate not to exceed the prime rate then in effect at a bank designated by Cinergy. Cinergy and Investments further propose to guarantee and otherwise act as surety in respect of bank borrowings and (to the extent not otherwise exempted under rule 45(b)(6)) performance and similar obligations of the EnergyCos. Such guarantees may be made from time to time through December 31, 2006, provided that any guarantees outstanding on such date will terminate in accordance with their terms. Bank borrowings as to which Cinergy and Investments propose to act as surety would be secured or unsecured, would

be made not later than December 31, 2006 (maturing no later than 12 months thereafter), and would bear interest at a rate not to exceed 3% above the prime rate then in effect at a bank designated by Cinergy. The total amount of the initial capital stock purchases, open account advances, loans, and financial/performance guarantees for which authorization is sought, together with all other purchases by Investments of EnergyCos capital stock and capital contributions and loans by Cinergy and Investments to EnergyCos that are exempt from Commission approval requirements, will not exceed $100 million at any time outstanding through December 31, 2006.

The EnergyCos will commence operations with a relatively small staff devoted primarily to management and administrative functions. CoolCo and HeatCo propose to contract with Cinergy Services (but not with any other associate company, including each other) for a variety of services (such as information systems, human resources, accounting, legal, internal audit and finance), priced at cost, pursuant to a service agreement and associated accounting, cost assignment and work order procedures authorized by prior order of the Commission dated October 21, 1994 (HCAR Rel. No. 26146). The EnergyCos may engage nonassociate contractors for various other services, including construction management, engineering, mechanical, architectural and operational services.

Cinergy's and Investments' proposed initial capital stock purchases, open account advances and/or loans and guarantees would be funded (1) as to Cinergy, through sales of commercial paper and short-term notes to banks and other financial institutions, through sales of Cinergy common stock, and/or through internally generated funds; and (2) as to Investments, through capital contributions, loans, and/or open account advances from Cinergy and/or internally generated funds.

The EnergyCos would use the proceeds for general corporate purposes, including financings of the construction, operation and maintenance of their central plant facilities and associated distribution pipe systems and other ongoing working capital needs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–659 Filed 1–19–96; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Representative Payment Advisory Committee; Meeting Postponement

AGENCY: Social Security Administration.

ACTION: Notice of postponement of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the postponement of the meeting of the Representative Payment Advisory Committee scheduled for January 22–23, 1996 in Atlanta, Georgia. It is expected that the meeting will be rescheduled later in 1996. Announcement of each meeting of the Committee will be published in the Federal Register in accordance with section 10(a)(2) of the Federal Advisory Committee Act.

Dated: January 17, 1996.

Reba Andrew,

Staff Director, Representative Payment Advisory Committee.

[FR Doc. 96–807 Filed 1–19–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 95–092]

Greenhill Petroleum Corporation, Blake Drilling and Workover Company, Inc., and Mike Hicks Tools and Services, Inc.; Proposed Penalty; Opportunity To Comment

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed penalty; opportunity to comment.

SUMMARY: The Coast Guard gives notice of and provide an opportunity to comment on the proposed assessment of a Class II administrative penalty to Greenhill Petroleum Corporation; a Class II administrative penalty to Blake Drilling and Workover Company, Inc; and a Class II administrative penalty to Mike Hicks Tools and Services, Inc., for violations of the Federal Water Pollution Control Act (FWPCA). The alleged violations involved the spill of approximately 96,000 gallons of oil as defined in § 311(a)(1) of the FWPCA, 33 U.S.C. 1321(a)(1), and in 33 CFR 153.103(m) from the vessel BLAKE IV, into or upon Timbalier Bay and adjoining shorelines beginning on September 29, 1992, and continuing through and including October 8, 1992. Interested persons may submit written comments on the proceeding, including comments on the amount of the proposed penalty, or written notice of intent to present evidence at any hearing held in the proceeding. If no hearing is held, an interested person may, within 30 days after issuance of an order, petition to set aside the order and to provide a hearing.

DATES: Comments or notice of intent to present evidence at a hearing must be received not later than February 21, 1996.

ADDRESSES: Comments and requests for a hearing may be mailed to the Hearing Docket Clerk, Office of the Chief Administrative Law Judge, Commandant (G–CJ), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 6302 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Filings should reference docket number 95–0003–CIV. The administrative record for this proceeding is available for inspection at the same address and times.

FOR FURTHER INFORMATION CONTACT: Mr. George J. Jordan, Director of Judicial Administration, Office of the Chief Administration Law Judge, Commandant (G–CJ), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, telephone (202) 267–2940.

SUPPLEMENTARY INFORMATION: Notice of this proceeding is given pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by the Oil Pollution Act of 1990. The proceeding is initiated under § 311(b) of the FWPCA (33 U.S.C. 1321(b)).

This proceeding results from an alleged spill of approximately 96,000 gallons of oil discharged beginning on September 29, 1992, and continuing through and including October 8, 1992, from the vessel BLAKE IV, into or upon Timbalier Bay and adjoining shorelines. Under the Coast Guard's Class II Civil Penalty regulations in 33 CFR Part 20, the Coast Guard publishes notice of the proposed issuance of an order assessing a Class II penalty in the Federal Register (33 CFR 20.402). A person who wishes to be an interested person must file written comment on the proceeding or written notice of intent to present evidence at any hearing held in the proceeding with the Hearing Docket Clerk not later than February 21, 1996 (33 CFR 20.404). Interested persons will be given notice of any hearing, a reasonable opportunity to be heard and to present evidence during any hearing, and notice of the decision. Although no hearing is yet scheduled, the Coast Guard has asked that any hearing be held in New Orleans, LA. If no hearing

is held, an interested person may, within 30 days after issuance of an order, petition the Commandant of the Coast Guard to set aside the order and to provide a hearing (33 CFR 20.1102).

The following additional information is provided:

Respondent: Greenhill Petroleum Corporation, 3300 West Esplanade Avenue, Suite 500, Metarie, LA 70002.

Respondent: Blake Drilling and Workover Company, Inc., 230 Gunther Lane, Belle Chase, LA 70037.

Respondent: Mike Hicks Tools and Services, Inc., Louisiana Highway 23, Port Sulfur, LA 70082.

Complaint Filed: December 4, 1995; New Orleans, LA.

Docket Number: 95–0003–CIV.

Amount of Proposed Penalty: $100,000 to Greenhill Petroleum Corporation.

Amount of Proposed Penalty: $100,000 to Blake Drilling and Workover Company, Inc.

Amount of Proposed Penalty: $100,000 to Mike Hicks Tools and Services, Inc.

Charges: Count 1—Discharge of Oil.

Dated: December 11, 1995.

George J. Jordan,

Judicial Administrator, Office of the Chief Administrative Law Judge, U.S. Coast Guard.

[FR Doc. 96–727 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–14–M

[CGD 95–091]

Shell Offshore Inc. and Shell Pipeline Corp.; Proposed Penalty; Opportunity to Comment

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed penalty; opportunity to comment.

SUMMARY: The Coast Guard gives notice of and provides an opportunity to comment on the proposed assessment of a Class II administrative penalty to Shell Offshore Inc. and a Class II administrative penalty to Shell Pipeline Corp. for violations of the Federal Water Pollution Control Act (FWPCA). The alleged violations involved the spill of approximately 176,000 gallons of oil as defined in § 311(a)(1) of the FWPCA, 33 U.S.C. 1321(a)(1) and in 33 CFR 153.103(m) from the Hobbitt Pipeline, into or upon Ship Shoal Block 281 and adjoining waters beginning on November 16, 1994, and continuing through and including November 22, 1994. Interested persons may submit written comments on the proceeding, including comments on the amount of the proposed penalty, or written notice of intent to present evidence at any hearing held in the proceeding. If no hearing is held, an interested person may, within 30 days after issuance of an order, petition to set aside the order and to provide a hearing.

DATES: Comments or notice of intent to present evidence at a hearing must be received not later than February 21, 1996.

ADDRESSES: Comments and requests for a hearing may be mailed to the Hearing Docket Clerk, Office of the Chief Administrative Law Judge, Commandant (G–CJ), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 6302 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Filings should reference docket number 95–0002–CIV. The administrative record for this proceeding is available for inspection at the same address and times.

FOR FURTHER INFORMATION CONTACT: Mr. George J. Jordan, Director of Judicial Administration, Office of the Chief Administrative Law Judge, Commandant (G–CJ), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001, telephone (202) 267–2940.

SUPPLEMENTARY INFORMATION: Notice of this proceeding is given pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by the Oil Pollution Act of 1990. The proceeding is initiated under § 311(b) of the FWPCA (33 U.S.C. 1321(b)).

This proceeding results from an alleged spill of approximately 176,000 gallons of oil discharged beginning on November 16,1994, and continuing through and including November 22, 1994, from the Hobbitt Pipeline, into or upon Ship Shoal Block 281 and adjoining waters. Under the Coast Guard's Class II Civil Penalty regulations in 33 CFR Part 20, the Coast Guard publishes notice of the proposed issuance of an order assessing a Class II penalty in the Federal Register (33 CFR 20.402). A person who wishes to be an interested person must file written comment on the proceeding or written notice of intent to present evidence at any hearing held in the proceeding with the Hearing Docket Clerk not later than February 21, 1996 (33 CFR 20.404). Interested persons will be given notice of any hearing, a reasonable opportunity to be heard and to present evidence during any hearing, and notice of the decision. Although no hearing is yet scheduled, the Coast Guard has asked that any hearing be held in New Orleans, LA. If no hearing is held, an interested person may, within 30 days after issuance of an order, petition the Commandant of the Coast Guard to set aside the order and to provide a hearing (33 CFR 20.1102).

The following additional information is provided:

Respondent: Shell Offshore Inc., One Shell Square, P.O. Box 61933, New Orleans, LA 70161–1933.

Respondent: Shell Pipeline Corp., P.O. Box 52163, New Orleans, LA 70152.

Complaint Filed: December 4, 1995; New Orleans, LA.

Docket Number: 95–0002–CIV

Amount of Proposed Penalty: $70,000 to Shell Offshore Inc.

Amount of Proposed Penalty: $70,000 to Shell Pipeline Corp.

Charges: Count 1—Discharge of Oil.

Dated: December 11, 1995.

George J. Jordan,

Judicial Administrator, Office of the Chief Administrative Law Judge, U.S. Coast Guard.

[FR Doc. 96–726 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Transit Administration

Environmental Impact Statement on the Logan 2000 People Mover, East Boston, MA

AGENCY: Massachusetts Port Authority.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Massachusetts Port Authority (MPA) intend to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) to analyze options for improving the connection between the MBTA transit system and Logan International Airport in East Boston, Massachusetts in order to increase the use of high occupancy vehicles to Logan Airport. The FTA and the MPA will prepare the EIS so that it also satisfies the requirements of the Massachusetts Environmental Policy Act (MEPA). The EIR/EIS will evaluate the following alternatives: a TSM/No Build alternative, a People Mover Terminal Alignment system and refinements thereto, and Blue Line Extension onto the airport. Scoping will be accomplished through correspondence with interested persons, organizations, and Federal, State and local agencies, and through public meetings.

DATES: *Comment Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to the MPA by February 29, 1996. *Scoping Meetings:* A FTA public

scoping meeting will be held on Thursday, January 25, 1996, 4:00 to 6:00 P.M., at the State Transportation Building, Mezzanine Level, Conference Room 4. See **ADDRESSES** below.

ADDRESSES: *Written comments* should be sent to Ms. Beth Rubenstein, Project Manager, MASSPORT Department of Transportation Planning and Construction, Logan Office Center, One Harborside Drive, Suite 200S, East Boston, MA 02128. *Scoping meeting* will be held at the following location: State Transportation Building, 10 Park Plaza, Boston, MA 02116, Mezzanine Level, Conference Room 4.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Beth Mello, Deputy Regional Administrator, Federal Transit Administration, Region 1, (617) 494–2055.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and MPA invite written comments for a period of 45 days after publication of this notice (see **DATES** and **ADDRESSES** above). During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated, and suggested alternatives that are less costly or more environmentally beneficial and which achieve similar objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative. Individual preference for a particular alternative should be communicated during the comment period for the Draft EIS.

If you wish to be placed on the mailing list to receive further information as the project continues, contact Ms. Beth Rubenstein at the MPA (see **ADDRESS** above).

II. Description of Study Areas and Project Need

The proposed project consists of an analysis of alternatives to improve the connection between the MBTA transit system and Logan International Airport in East Boston, Massachusetts. The People Mover Alternative consists of fully automated electrically powered vehicles operating along a dedicated, elevated guideway system approximately 2.7 miles in length. The People Mover would replace the current shuttle bus service that connects passengers using public transit and Logan Airport terminals. The system will have the capacity to accommodate up to five times the existing number of airport passengers using the MBTA Airport Station. It will have fully climate controlled stations at the MBTA's Blue Line Airport station and the terminal stations, with potential service to the rental car area and the water shuttle in future phases of the project. The project study area will focus on Logan Airport property, but project impacts within the boundary of Route 128 will be also be evaluated.

The People Mover Alternative would improve service and convenience for airport passengers, employees, and visitors accessing Logan via the MBTA and passengers traveling between terminals. The construction of the People Mover would complete the intermodal connection between the Boston region's mass transportation system and Logan Airport. The improved service and convenience afforded by this project is expected to support and facilitate increases in MBTA mode share and help contain or reduce environmental impacts associated with the anticipated growth in passenger levels at Logan in the years to come. It will provide improved on-airport circulation, better Blue Line station access, and a fast, frequent, reliable replacement for the fleets of shuttle buses that now add to the congestion on airport roads and at terminal curbs. Construction of the People Mover will result in fewer passenger vehicle trips, fewer vehicle miles traveled, lower diesel emissions, less roadway and curbside congestion, and more roadway capacity for other high occupancy modes. It is also expected to decrease regional air quality impacts and congestion associated with passenger and employee trips to Logan.

III. Alternatives

The alternatives proposed for evaluation include:

(1) a Transportation Systems Management (TSM)/No-Build alternative, which involves additional buses and conversion of the fleet to clean fuels without construction of a People Mover;

(2) construction of a People Mover Terminal Alignment system and refinements to the Terminal Alignment system, including stops at the MBTA Blue Line Airport Station and each of the airport terminal stations; and

(3) consideration of a Blue Line Extension to the airport, which would bring MBTA Blue Line transit service directly onto airport property.

IV. Probable Effects/Potential Impacts for Analysis

The FTA and the MPA will evaluate all significant environmental, social, and economic impacts of the alternatives analyzed in the EIS. Impacts include changes in the natural environment (air and water quality, rare and endangered species), changes in the social environment (land use and neighborhoods, noise and vibration, aesthetics, park lands, historic/archaeological resources), public safety and changes in the transit service and patronage. Project capital and operating costs and revenues will be estimated. The impacts will be evaluated for year 2010 with 37.5 million annual airline passengers (MAP), year 2010 with 45 MAP, and for opening year 2002 with 32 MAP. Measures to mitigate significant adverse impacts will be addressed.

V. FTA Procedures

In accordance with the Federal Transit Act, as amended, and with FTA policy, the Draft EIR/EIS will be prepared in conjunction with a Major Investment Study. After its publication, the Draft EIR/EIS/MIS will be available for public and agency review and comment, and a public hearing will be held. On the basis of the Draft EIR/EIS/MIS and the comments received, the MPA will select a preferred alternative, and will seek approval from FTA to continue with preparation of the Final EIR/EIS.

Issued on: January 17, 1996.

Richard H. Doyle,

Regional Administrator.

[FR Doc. 96–740 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–57–P

National Highway Traffic Safety Administration

[Docket No. 95–49; Notice 2]

General Motors Corporation; Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, determined that some of its vehicles failed to comply with the requirements of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' and filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' GM also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on June 21, 1995, and an opportunity afforded for comment (60 FR 32391).

Turn signal lamps are required motor vehicle lighting equipment. Society of

Automotive Engineers' (SAE) Standard J588 NOV84, incorporated by reference in Table III of FMVSS No. 108 (and applicable to vehicles whose overall width is 80 inches or less), provides that the photometric requirements for turn signal lamps may be met at zones or groups of test points, instead of at each individual test point. Within a zone, the lamp is permitted to fail at individual test points as long as the total light intensity of all the test points within the zone is not below the specified level for the zone. SAE J588 specifies four such zones for turn signals.

From September 1990 through February 6, 1995, GM manufactured approximately 544,420 Buick Century passenger cars on which the turn signal lamps failed to meet the photometric requirements of SAE J588 NOV84. Of the four zones tested on the turn signal lamps, zones 1, 2, and 4 met the requirements, while zone 3 did not. The required light intensity for zone 3 is 2,375 candela (cd). When tested, 17 of the subject lamps produced, on average, a light intensity of approximately 2,145 cd or 90 percent of the required intensity. The three compliant zones exceed the light intensity requirements by at least 20 percent.

GM supported its application for inconsequential noncompliance with the following:

The difference between the FMVSS 108 requirement for zone 3 and the average performance of the subject lamps is imperceptible to the human eye. The average performance value for zone 3 for all 17 tested lamps is 10 percent below the 2375 cd federal requirement, and every lamp fell within 20 percent of that requirement (ranging from −1% to −18% of the requirement). As acknowledged in NHTSA's notices granting other similar petitions for determination of inconsequential noncompliance, and as demonstrated in the recent study (DOT HS 808 209, Final Report dated September 1994) sponsored by the agency, *Driver Perception of Just Noticeable Difference in Signal Lamp Intensities*, a change in luminous intensity of approximately 25 percent is required before the human eye can detect a difference between the two lamps. (See, e.g., Notice granting petition by Subaru of America (56 FR 59971); and Notice granting petition by Hella, Inc. (55 Fed. Reg. 37602).) Since the average discrepancy for the Buick lamp is only 10% with a maximum measured discrepancy of 18%, the subject lamps do not compromise motor vehicle safety as the noncompliance is not detectable by the human eye.

The subject lamps otherwise meet or exceed all other requirements of FMVSS 108, including the requirement of SAE J588, November 1984, that "the measured values at each test point shall not be less than 60% of the minimum value in Table 3 [Photometric Design Guidelines]."

GM is not aware of any accidents, injuries, owner complaints or field reports related to this condition.

No comments were received on the application.

Although the agency is troubled by the duration of the noncompliance and large number of affected vehicles, the criterion for granting an application is not the care or good faith of the applicant, but the effects of its noncompliance. The average noncompliance of the zone is only 10%, and this is offset by the three other zones exceeding the minima by 20%. On balance, then, the overall performance of the turn signal lamps will be consistent with that of lamps meeting the minimum requirements in every zone.

For the foregoing reasons, it is hereby found that the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to safety. Accordingly, the applicant is exempted from its obligation to provide notice of the noncompliance as required by 49 U.S.C. 30118, and to remedy the noncompliance as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: January 17, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–712 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–91; Notice 2]

Decision That Nonconforming 1992 Mercedes-Benz 300SL Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1992 Mercedes-Benz 300SL passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 Mercedes-Benz 300SL passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1992 Mercedes-Benz 300SL), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of January 22, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Liphardt & Associates, Inc. of Ronkonkoma, New York (Registered Importer R–90–004) petitioned NHTSA to decide whether 1992 Mercedes-Benz 300SL passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 13, 1995 (60 FR 57054) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility

number indicating that the vehicle is eligible for entry. VSP–143 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Mercedes-Benz 300SL (Body Style 129) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Mercedes-Benz 300SL originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 17, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–713 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–73; Notice 2]

Decision That Nonconforming 1987 Nissan Stanza Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1987 Nissan Stanza passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1987 Nissan Stanza passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1987 Nissan Stanza), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective as of January 22, 1996.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Liphardt & Associates of Ronkonkoma, New York (Registered Importer R–90–004) petitioned NHTSA to decide whether 1987 Nissan Stanza passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on September 12, 1995 (60 FR 47424) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number of Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–139 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1987 Nissan Stanza not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1987 Nissan Stanza originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 17, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–714 Filed 1–19–96; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board, Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5(c) of Public Law 94–409 that a meeting of the Rehabilitation Research and Development Service Scientific Merit Review Board will be held at the Vista International Hotel, 1400 ''M'' Street NW, Washington, DC on January 23 through January 25, 1996.

The session on January 23, 1996, is scheduled to begin at 6:30 p.m. and end at 9:30 p.m. The sessions on January 24 and January 25, 1996, are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public up to the seating capacity of the room for the January 23 session for discussion of administrative matters, the general status of the program, and the administrative details of the review process. On January 23–25, 1996 the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar

analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts.

Thus, the closing is in accordance with 5 U.S.C. 522b(c)(6), and (c)(9)(B) and the determination of the Secretary of the Department of Veterans Affairs under Sections 10(d) of Public Law 92–463 as amended by Section 5(c) of Public Law 94–409.

Dated: January 11, 1996.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 96–667 Filed 1–19–96; 8:45 am]

BILLING CODE 8320–01–M

Wage Committee, Notice of Meetings

The Department of Veterans Affairs (VA), in accordance with Public Law 92–463, gives notice that meetings of the VA Wage Committee will be held on:

Wednesday, January 31, 1996, at 2:00 p.m.
Wednesday, February 14, 1996, at 2:00 p.m.
Wednesday, March 6, 1996, at 2:00 p.m.
Wednesday, March 27, 1996, at 2:00 p.m.

The meetings will be held in Room 1225, Department of Veterans Affairs, Tech World Plaza, 801 I Street, NW, Washington, DC 2001.

The Committee's purpose is to advise the Under Secretary for Health on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Department of Veterans Affairs and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings in accordance with subsection 10(d) of Public law 92–463, as amended by Public Law 94–409, and as cited in 5 U.S.C. 552b(c)(2) and (4).

However, members of the public are invited to submit material in writing to the Chairperson for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairperson, VA Wage Committee, Room 1225, 801 I Street, NW, Washington, DC 2001.

Dated: January 11, 1996.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 96–666 Filed 1–19–96; 8:45 am]

BILLING CODE 8320–01–M

The Enhanced-Use Development of the VAMC Big Spring, TX

AGENCY: Department of Veterans Affairs.

ACTION: Notice of designation.

SUMMARY: The Secretary of the Department of Veterans Affairs is designating the Big Spring, TX, Department of Veterans Affairs Medical Center (VAMC) for an Enhanced-Use development. The Department intends to enter into a long-term lease of real property with the Government Employees Federal Credit Union. The Credit Union will construct and maintain a parking area on the site, and will, as consideration for the lease, provide specified facilities and services to the Department at no cost.

FOR FURTHER INFORMATION CONTACT: Jacob Gallun, Office of Asset and Enterprise Development (089), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202)565–4307.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 8161 *et seq.*, specifically provides that the Secretary may enter into an Enhanced-Use lease, if the Secretary determines that at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department, the lease will not be inconsistent with and will not adversely affect the mission of the Department; and the lease will enhance the property. This project meets these requirements.

Approved: December 14, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Notice of Intent To Award Enhanced-Use Lease Report

Pursuant to the provisions of 38 U.S.C. Section 8161, *et seq.*, ''Enhanced-Use Leases of Real Property'' this serves as notice that the Secretary of Veterans Affairs (''Secretary'') intends to designate approximately .25 acres at the Big Spring, TX, Department of Veterans Affairs Medical Center (VAMC) as a site (''the site'') that will be subject to public/private development of a parking garage under the terms of an Enhanced-Use lease.

Background and Rationale

The Department of Veterans Affairs Medical Center, Big Spring, TX, is an isolated medical facility located in the heart of Texas. The surrounding city of Big Spring is the home to several large Federal installations including two Federal Prisons and a large U.S. Postal Service Center. The employees of all of these facilities are serviced by the Government Employees Federal Credit Union, which is located adjacent to the VAMC. The Credit Union site currently includes 24 parking spaces, 20 of which, located behind the Credit Union building, are inconvenient for customers. These spaces are, however, well-located for use by VA employees. These spaces are currently leased by the Credit Union directly to VA personnel on a first-come, first-served basis. The Credit Union membership has grown substantially in the past few years, and now finds that its remaining 4 parking spaces are insufficient. The Credit Union has proposed the construction of a new parking lot, on land leased from VA, to satisfy its customers' parking needs.

Under the Enhanced-Use Concept, the Department of Veterans Affairs Medical Center will lease approximately .25 acres of land to the Government Employees Federal Credit Union for a period of 35 years. On this leased site, the Credit Union will construct a parking lot of 20 to 25 spaces for its customers. In lieu of paying fair market value rent to VA for lease of the site, VA will receive control and use of the existing Credit Union-owned parking lot, which is currently used by VA employees. There will be no money exchanged between VA and the Credit Union. All costs of constructing the parking lot will be paid by the Credit Union. The Credit Union will be responsible for maintenance of the parking lot on the outleased site, while the VAMC will take over the maintenance of the existing lot which will be used by VA employees. At the end of the lease term, title to all improvements will revert to the Department of Veterans Affairs Medical Center. There are no physical or functional impediments to the development of this project on site.

Economic Factors

The landscaped land proposed for outlease under this proposal is currently maintained by the VAMC at a cost of approximately $2,500 per year. Over the anticipated 35-year span of this agreement, VA would, therefore, avoid expenditures of approximately $75,000. Maintenance costs for the existing lot, to be assumed by VA, are estimated at less than $250 per year, or $7,500 over the term of the agreement. This equates to a net cost avoidance over the term of the agreement of $67,500.

The Big Spring, TX, District Appraisal has reported that the 1994 value of the 31 acres

of land comprising the total VAMC is $2,190,000. The site proposed for this Enhanced-Use development (approximately .25 acres) would therefore have a value of approximately $18,000. The construction cost of the parking area, to be paid by the Credit Union, is estimated at $32,000. As the parking lot will become the property of VA at the termination of the agreement, this proposal will approximately double the value of the outleased parcel to VA.

Under this agreement, VA will receive needed parking spaces in a location that is convenient to patients and employees at no cost. In addition, VA will realize a cost avoidance of approximately $67,500 through reduced maintenance of landscaped property. Finally, at the end of the lease, VA will receive, at no cost, the additional parking spaces constructed by the Credit Union.

Public Hearing

On October 5, 1995, a public hearing was held regarding the proposed project. Comments were solicited from veterans service organizations and the neighborhood. No negative or opposing positions were expressed.

Description of How the Proposed Lease Will

1. Contribute cost effectively to and be consistent with and not adversely affect the mission of the Department.

The proposed lease will contribute cost effectively to the mission of the Department by providing a needed parking area for employees at no cost to the Department; and by improving employees' access to the Government Employees Federal Credit Union, The presence of the added parking area will in no way adversely impact the mission of VA.

2. Affect service to veterans.

The proposed facility will have no effect on service to veterans.

[FR Doc. 96–665 Filed 1–19–96; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 61, No. 14
Monday, January 22, 1996

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).

ASSASSINATION RECORDS REVIEW BOARD

DATES: January 30–31, 1996.

PLACE: ARRB, 600 E Street, NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review and Accept Minutes of Closed Meetings.
2. Review of Assassination Records.
3. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Thomas Samoluk, Associate Director for Communications, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724–0088; Fax: (202) 724–0457.

David G. Marwell,

Executive Director.

[FR Doc. 96–831 Filed 1–18–96; 3:20 pm]

BILLING CODE 6118–01–P

BROADCASTING BOARD OF GOVERNORS

DATE AND TIME: January 24, 1996; 9:00 a.m.

PLACE: Cohen Building, 330 Independence Avenue, S.W., Room 3709, Washington, D.C. 20547.

CLOSED MEETING: A meeting scheduled for January 9, 1996, was postponed due to inclement weather, and rescheduled for January 24, 1996. The members of the Broadcasting Board of Governors (BBG) will meet in closed session to address internal procedural issues, as well as sensitive foreign policy and personnel issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel rules and practices, and personnel, of the BBG, the International Broadcasting Bureau, and USIA. (5 U.S.C. 552b.(c) (2) and (6)) The Board meeting will be followed by a closed meeting of the Board of Directors of RFE/RL, Inc., a private nonprofit grantee of the BBG.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Barbara Floyd at (202) 401–3736.

Dated: January 18, 1996.

David W. Burke,

Chairman.

[FR Doc. 96–842 Filed 1–18–96; 3:21 pm]

BILLING CODE 6155–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, January 16, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Dated: January 17, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–901 Filed 1–18–96; 3:23 pm]

BILLING CODE 6714–0–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 2:00 p.m., Thursday, January 25, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

BOARD BRIEFING:

1. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Request of San Antonio Citizens Federal Credit Union (Florida) to Expand its Field of Membership.
3. Proposed Rule: Amendments to Part 741.13, NCUA's Rules and Regulations, Administrative Assessments.
4. Proposed Rule: Amendments to Part 705, NCUA's Rules and Regulations, Community Development Revolving Loan Program for Credit Unions.
5. Final Rule: Amendments to Section 107, Federal Credit Union Act, Interest Rate Ceiling.
6. Appeal of Creditor Claim, Part 709, NCUA's Rules and Regulations.
7. Interim Final Rule and Request for Comments: Amendments to Parts 701, 709, and 741, NCUA's Rules and Regulations, Secondary Capital Accounts.

RECESS: 3:15 p.m.

TIME AND DATE: 3:30 p.m., Thursday, January 25, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Request from a Federal Credit Union for a Community Charter Expansion. Closed pursuant to exemption (8).
3. Administrative Action under Part 701 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
4. Administrative Action under Part 745 of NCUA's Rules and Regulations. Closed pursuant to exemption (6).
5. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (7), (8), (9)(A)(ii), and (9)(B).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–873 Filed 1–18–96; 3:22 pm]

BILLING CODE 7535–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

TIME AND DATE: 1:00 p.m., Friday, January 26, 1996.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Personnel Action. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 96–874 Filed 1–18–96; 3:22 pm]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of January 15, 1996.

An open meeting will be held on Wednesday, January 17, 1996, at 10:00 a.m. A closed meeting will be held on Wednesday, January 17, 1996, following the 10:00 a.m. open meeting.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Wednesday, January 17, 1996, at 10:00 a.m., will be:

The Commission will hear oral argument on appeals by Jay Houston Meadows from an administrative law judge's initial decision. For further information, please contact Kermit B. Kennedy at (202) 942–0879.

The subject matter of the closed meeting scheduled for Wednesday, January 17, 1996, following the 10:00 a.m. open meeting, will be:

Post oral argument discussion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: January 16, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–794 Filed 1–18–96; 8:45 am]

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federal register

Monday
January 22, 1996

Part II

Department of Education

34 CFR Part 379

Projects With Industry; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 379

RIN 1820–AB33

Projects With Industry

AGENCY: Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Projects With Industry (PWI) program (34 CFR Part 379). The PWI program is authorized by section 621 of the Rehabilitation Act, as amended (the Act). The purpose of the PWI program is to create and expand job and career opportunities for individuals with disabilities in the competitive labor market by establishing partnerships between program grantees and private industry to provide job training, job placement, and career advancement activities. The Secretary is proposing to change the regulations governing this program in order to clarify statutory intent, reduce grantee burden, address certain implementation problems, and enhance project accountability.

DATES: Comments must be received on or before March 22, 1996.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Fredric K. Schroeder, Commissioner, Rehabilitation Services Administration, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3028, Mary E. Switzer Building, Washington, D.C. 20202–2531. Comments may also be sent through the Internet to ''PWI—Regs@ed.gov''.

To ensure that public comments have maximum effect on the development of the final regulations, the Department urges that each comment clearly identify the specific section or sections of the regulations that the comment addresses and that comments be in the same order as the regulations.

Comments that concern information collection requirements must be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. A copy of those comments may also be sent to the Department representative named in this section.

FOR FURTHER INFORMATION CONTACT: Thomas E. Finch, U.S. Department of Education, 600 Independence Avenue, S.W., Room 3315, Mary E. Switzer Building, Washington, D.C. 20202–2575. Telephone: (202) 205–8292. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Overview of Proposed Changes

The Secretary proposes to revise these regulations in order to clarify statutory intent, reduce grantee burden, address demonstrated problems in program administration, and clarify certain program requirements. For example, some of the proposed changes would reduce burden by eliminating unnecessary non-statutory requirements, particularly non-statutory provisions in current regulations in §§ 379.42 through 379.45 relating to grant agreement and on-the-job training requirements.

Other changes are being proposed to address demonstrated problems in the PWI program. For example, the Secretary believes that the program's defining feature, partnership with industry, has not received sufficient emphasis in the program regulations. The present regulations, most notably the selection criteria for new grant awards and the compliance indicators, do not adequately emphasize partnership with industry. To address this, the Secretary is proposing new selection criteria that would add a separate criterion focusing on the extent to which a project has established a working partnership with private industry. In addition, the Secretary is soliciting public comment on whether the compliance indicators require revision in order to assess projects' partnership with industry.

The Secretary also proposes in certain instances to add clarifying language, even if no specific changes to the regulatory text are being proposed. The Secretary has added several explanatory notes to clarify certain requirements that have been misunderstood by some grantees in the past. Following the relevant sections, the Secretary has added explanatory notes to clarify the State vocational rehabilitation (VR) agency's role in the eligibility determination process in § 379.3, the grantee matching requirements in § 379.40, and the compliance indicator reporting requirements in § 379.54.

The Secretary is proposing only one change to the compliance indicators in this notice of proposed rulemaking, but is inviting public comment on how to improve all of the indicators. To better focus public comment, the preamble contains a list of issues pertaining to the current compliance indicators and invites comment on each of them.

Section-by-Section Summary of Proposed Changes

The following is a section-by-section summary of major changes proposed in this notice of proposed rulemaking.

- In § 379.2, the Secretary proposes to remove the reference to ''agreement'' and substitute the term ''grant.'' This terminology change would be made to enhance clarity. In § 379.2(a), the Secretary proposes to add ''nonprofit agencies and organizations'' as eligible applicants to clarify that these entities are also eligible to apply for funding under this program. The Secretary also proposes, for purposes of clarity, to relocate from § 379.31(a) to § 379.2(b) the statutory requirement in section 621(e)(2) of the Act that new awards be made to projects proposing to serve individuals in geographic areas that are unserved or underserved by the PWI program. The Secretary believes this requirement would be more logically placed in § 379.2(b) because it is a condition of eligibility for a new award and not a factor in evaluating a grant application. The Secretary is not proposing to define in regulations ''unserved'' or ''underserved.'' Each applicant has the flexibility in its application to describe how the proposed project area is either unserved (e.g., there are currently no PWI projects in the geographic area) or underserved (e.g., there are one or more PWI projects in the geographic area, but the need for PWI services is not fully met) by the PWI program.
- The Secretary proposes to add a note following § 379.3 to clarify the precise role of the State VR agency in the eligibility determination process. This note would state that a PWI project makes an interim determination of eligibility for project services and that this determination becomes final within 60 days if the State vocational rehabilitation unit does not make a determination that it is inappropriate. The note would also clarify that in those instances when an individual has already been determined eligible for vocational rehabilitation services under section 102(a) of the Act, the individual can be presumed to meet the definition of ''individual with a disability'' for eligibility purposes under the PWI program.
- In § 379.5, the Secretary proposes to conform the definitions of ''competitive employment'' and ''placement'' with changes being proposed in the regulations governing The State Vocational Rehabilitation Services Program in 34 CFR Part 361. The definition of ''competitive employment'' would be revised to add the requirement

that work be performed in an integrated setting and to clarify the current requirement that individuals must be compensated at or above the minimum wage but not less than the prevailing wage for the same or similar work performed by non-disabled individuals in the local community. The definition of ''placement'' would be revised to require that an individual maintain employment for the duration of the employer's probationary period or, in the absence of an established period, at least 90 days. Current regulations provide that a placement does not occur until competitive employment has been maintained for 60 days.

The proposed regulations would also add a definition of ''integrated setting,'' as it is used in the definition of ''competitive employment.'' ''Integrated setting'' would be defined to mean ''a setting typically found in the community in which individuals with disabilities have the opportunity to interact on a regular basis with non-disabled individuals other than non-disabled individuals who are providing services to them.''

The Secretary also proposes adding to this section definitions of ''job readiness training'' and ''job training.'' ''Job readiness training'' would include training in job-seeking skills, training in the preparation of résumés or job applications, training in interviewing skills, participating in a job club, or other related activities that may assist an individual to secure competitive employment. Job readiness training is an authorized activity under the PWI program; however, it must be distinguished from the job training component required of PWI projects. Therefore, the Secretary is also proposing to add a definition of ''job training'' that would require projects to provide, or ensure the provision of, one or more of the following activities prior to placement (as that term is defined in § 379.5(b)(7)): occupational skills training, on-the-job training, workplace training combined with related instruction, job skill upgrading and retraining, training to enhance basic work skills and workplace competencies, or on-site job coaching.

The Secretary wants to ensure that all projects have an identifiable training component and that the training provided by projects focuses on imparting the skills needed for employment and career advancement in the competitive labor market, as the statute intends. The Secretary is concerned that the findings of some PWI on-site compliance reviews conducted by the Department indicated that certain grantees conducting programs of national scope failed to provide this type of training. In addition, other findings indicated that some grantees provided training that primarily taught job-seeking skills and résumé-writing. Although job readiness training is authorized under this program, the Secretary does not believe that this type of training alone meets the statutory requirement that projects provide job training to prepare individuals with disabilities for employment in the competitive labor market.

The Secretary proposes to add a definition of ''career advancement services'' in order to clarify the meaning of this statutorily required activity that must be a part of each project's program of services. The proposed definition would define ''career advancement services'' to mean ''services that develop specific job skills beyond those required by the position currently held by an individual with a disability to assist the individual to compete for a promotion or achieve an advanced position in the same field.''

- Section 379.10 would be amended to clarify that all grantees must conduct all of the activities required under section 621(a)(2) of the Act and listed in this section. The Secretary does not believe the wording in the current regulations is as clear on this point as it could be.

The Secretary is proposing to add a note under this section to clarify how grantees can meet the requirements of § 379.10(a), which requires each grantee to provide job training in a realistic work setting for individuals served by the project. The Secretary believes that projects should have maximum flexibility in determining the precise form of their job training component, but believes that the job training provided must be designed to develop skills that will lead to participants' success in obtaining, retaining, and advancing in competitive employment. The proposed note explains that grantees would have the option of providing job training directly to project participants or by ensuring the provision of that training by other entities through cooperative arrangements while the individual is participating in the project. Job training would be provided as appropriate to the needs of each individual served by the project. The Secretary does not intend that each project participant necessarily receive job training, but that job training be available and accessible to those individuals who need it to achieve competitive employment. However, the Secretary expects that a sizeable number of project participants would need and receive some type of job training.

- The Secretary proposes a new Subpart C, containing information about how to apply for a grant award (proposed § 379.20) and proposed new application content requirements (proposed § 379.21). The new application content section would better reflect statutory requirements, would closely parallel proposed new selection criteria, and would eliminate unnecessary non-statutory grant agreement requirements contained in current §§ 379.42 through 379.45. Section 621(e)(1)(B) of the Act authorizes the Commissioner of the Rehabilitation Services Administration (RSA) to establish any application content requirements that may be necessary.

In order to better assess whether an application meets the statutory requirements of the program (and also to better evaluate an application according to the proposed new selection criteria), the Secretary proposes to require more specific information in the application. Significant new elements of the grant application, all of which stem from statutory provisions, would be as follows:

Section 379.21(a)(1), description of the proposed job training and identification of need for the job training to be provided. As discussed previously, the Secretary believes the training provided by some projects does not meet the requirements of sections 621(a)(1) and (a)(2) of the Act. The Secretary also believes that, consistent with the statute, training should be developed in conjunction with private industry and should be linked to identified local labor market opportunities. The proposed regulations would, therefore, require applicants to describe the job training, as defined in proposed § 379.5(b)(5), that they intend to provide and to demonstrate that the training to be provided meets local labor market needs.

Section 379.21(a)(2) and 379.21(a)(3), description of the involvement of private industry. The Secretary proposes to require these descriptions to ensure that there is adequate private industry involvement in all phases of the project and to ensure that the statutorily required Business Advisory Council (BAC) is involved in all relevant project activities.

Section 379.21(a)(4), explanation of how the geographic area the applicant proposes to serve qualifies as an unserved or underserved area. The Secretary proposes to require information to enable the Department to determine that all applicants meet this eligibility requirement.

In addition to adding certain requirements, the Secretary proposes to simplify and clarify the information and assurances applicants must provide under the current regulations. In the current regulations, these requirements are located in multiple sections (§§ 379.42 through 379.45). The Secretary proposes to repeal most of these provisions, which contain longstanding, primarily non-statutory grant agreement requirements, and place the few remaining statutory requirements in new § 379.21. For example, the description of the annual evaluation plan, required under section 621(a)(5) of the Act and § 379.43(k) of the present regulations, would be moved to this section with the proposed addition that the applicant's evaluation plan include the capacity for collecting data required to establish compliance with the performance indicators in Subpart F of the regulations. Current requirements in § 379.43(h) and (i), which require a project to provide equitable compensation and working conditions for the individuals with disabilities it places in employment, would also be located in new § 379.21.

The proposed new application content provisions would be mandatory for all applicants. In accordance with 34 CFR 75.216(c), the Secretary would not evaluate any application that does not contain all of the information required under proposed § 379.21.

- The Secretary proposes to replace the selection criteria in § 379.30 with new selection criteria. The Secretary believes the current selection criteria do not adequately reflect the statutory purposes and certain key requirements of the program, particularly the requirements relating to job training and partnership with industry, and thus do not facilitate selection of the best applications. The Secretary believes the proposed criteria are better tailored to the unique aspects of the program. The proposed criteria in many instances parallel proposed application content requirements and are designed to evaluate the quality and extent of that information. For example, the Secretary proposes to establish in § 379.30(a) a criterion entitled ''Extent of need for the project'' that would be used to assess the extent to which the applicant's proposed job training meets the requirements and needs of the local labor market by preparing individuals for jobs for which there is a demand. This criterion, which would be weighted 20 points, parallels the application content requirement dealing with job training in proposed § 379.21(a)(1).

Another proposed new criterion in § 379.30(b) entitled ''Partnership with industry'' would be used to evaluate the extent of the proposed project's collaboration with private industry in all aspects of program operations as well as the role of the BAC in identifying job and career opportunities and developing appropriate job training programs. This criterion, which would be weighted 25 points, would track proposed application content requirements in § 379.21(a)(2) and (a)(3).

There are other significant changes in the proposed new selection criteria. The Secretary proposes a new ''Project design and plan of operation for achieving competitive employment outcomes'' criterion in § 379.30(c), which incorporates some elements of the present ''Project design'' criterion. The proposed criterion would be used to assess applicants on project design issues (e.g., goals and objectives, proposed activities, and methods and strategies to achieve competitive employment outcomes for project participants) and would also examine the extent to which the proposed management of the project would further the execution of the proposed design. The Secretary believes the proposed criterion would better enable the selection of projects that, in addition to being well-conceived, have a high probability of successful implementation. A maximum of 25 points would be allocated to this criterion. The Secretary also proposes to make the criterion on ''Project evaluation'' in § 379.30(f) more specific to the evaluation mechanisms used in the PWI program. The revised criterion would examine the applicant's proposed evaluation plan with respect to its capacity for evaluating project operations and outcomes and for generating data needed to meet the annual program evaluation and compliance indicator requirements. This criterion would also evaluate the extent of involvement of the BAC in evaluating the project's job training, placement, and career advancement activities.

- Following § 379.40, the Secretary proposes to add a note to clarify the program matching requirements, which have been misinterpreted by some grantees to mean 20 percent of the Federal grant rather than 20 percent of total project costs. The note would also specify that cash or in-kind contributions, or a combination of the two, may be used to meet this requirement. It would also cross-reference applicable provisions in the Education Department General Administrative Regulations (EDGAR).

- Section 379.41 would be amended to specifically include job readiness training, job training, and placement activities as allowable project costs. In addition, the section would be amended to update cross-references to the allowable costs provisions in EDGAR and to remove bonding fees and liability and insurance premiums from the list of program-specific allowable costs. Bonding and insurance costs are expressly allowable under EDGAR and do not need to be particularly identified in these program regulations.

- A new § 379.42 would be added to the regulations to specify, in a single section, all of the requirements (both statutory and EDGAR-based) that a grantee must meet in order to receive a continuation award under the PWI program. These requirements include—(1) making substantial progress toward meeting the objectives in its approved application in accordance with 34 CFR 75.253(a)(2) of EDGAR; (2) submitting all performance and financial reports required by 34 CFR 75.118 of EDGAR; and (3) submitting data in accordance with section 621(f)(4) of the Act and proposed § 379.54 showing that it has met the program compliance indicators. In addition, proposed § 379.42 would specify two additional conditions that must be met before the Secretary can make a continuation award: Congress must appropriate sufficient funds under the program and continuation of the project must be in the best interest of the Federal Government.

- A new § 379.43 would also be added to the regulations to require each program grantee to submit to the Secretary at a specified time the data it is required to collect as part of the annual evaluation of project operations mandated by section 621(a)(5) of the Act. The proposed regulations would require that this information be reported no later than 60 days after the end of each project year, unless the Secretary authorizes a later submission date. The term ''project year'' is synonymous with the term ''budget period'' and in this program covers a period that is concurrent with the Federal fiscal year, i.e., October 1 through September 30.

- The reporting requirements for the compliance indicators, currently located in § 379.46, would be relocated to a proposed new § 379.54 in Subpart F. Unnecessary references to fiscal year 1990, the effective date of this requirement, would be deleted, and a proposed date for submitting compliance indicator data would be added to the regulations. The proposed date is either 60 days after the end of the project year if the grantee submits data for the most recent complete project

year as provided for in paragraph (a) of this section or 60 days after the end of the first 6 months of the current project year if the grantee avails itself of the option provided for in paragraph (b) of this section—unless the Secretary authorizes a later date for submission of the compliance indicator data. The Secretary would also add a note following this section to clarify that meeting the compliance indicators is a requirement for continuation funding in years three through five of a PWI grant. Continuation funding in the second year is not subject to meeting the indicators because data from the first complete project year are not available until after the second year award is made.

• Section 379.53(c) concerning the performance indicator on cost per placement would be amended to increase the average cost per placement from $1600 or less to $2400 or less. The performance ranges and the points assigned to each range would also be revised to reflect 8 points awarded for a range of $2001 to $2400, 17 points awarded for a range of $1601 to $2000, and 25 points awarded for projects with an average cost per placement of less than $1600.

These proposed changes reflect an overall 50 percent increase in cost per placement as compared to the current performance indicator. Concern has been expressed by current PWI grantees that the dollar threshold for this indicator is too low. Grantees have advised that the current level of $1,600 or less, that was set in 1986, is not realistic given the inflationary costs of services, especially the cost of services for individuals with severe disabilities. The Secretary is proposing this as an interim change prior to a more extensive revision of the evaluation standards and performance indicators for the program as discussed in the following paragraphs.

Program Evaluation Standards and Compliance Indicators

At this time, the Secretary is not proposing any substantive changes to the evaluation standards and performance measures for the PWI program contained in Subpart F of these regulations, other than proposing an increase in the cost per placement indicator. However, a recent assessment of the program suggests a need for revised performance indicators. The report, ''Assessment of Performance Indicators for the Projects With Industry (PWI) Program,'' by Research Triangle Institute (RTI) (June, 1994), suggests that changes are needed not only in the performance indicators, but also in the scoring system and in the quality assurance methods used to validate the data that are reported. Based upon experience in administering this program, the Secretary is also concerned about the implementation of these performance indicators and agrees that changes may be needed.

In light of these concerns, the Secretary is particularly interested in receiving public comments on the following issues to assist the Department in determining what changes need to be made to improve the evaluation standards and performance indicators.

Are the Current Evaluation Standards Appropriate for the PWI Program?

The current evaluation standards are included as an appendix to the regulations in 34 CFR Part 379. The seven standards were developed in response to a Congressional mandate in 1984 and address the broad purposes and activities of the PWI program. Are these standards still appropriate for the program? Should one or more of the standards be revised or modified to better reflect the legislative intent of the program in light of the Rehabilitation Act Amendments of 1992 (the 1992 Amendments)? For example, none of the standards addresses career advancement activities that were mandated in the Amendments. Is a new or revised standard needed to accommodate this change?

Should All of the Evaluation Standards Have Related Performance Indicators?

At the present time, certain evaluation standards for the PWI program do not have corresponding measures of performance. For example, none of the current performance indicators relates to Standard 5, regarding the project's advisory committee (i.e., BAC), or to Standard 6, regarding the project's relationships with other agencies and organizations. Since the establishment of a project BAC and the project's relationship with business and industry are important statutory requirements for the PWI program, the Secretary is considering the establishment of compliance indicators for these standards. What, if any, would be appropriate indicators to measure project performance with regard to the use of the project's BAC and the project's relationship with business and industry?

What Changes Are Needed to the Overall Scoring System for the Performance Indicators?

The RTI report raises concerns about the overall scoring system for the performance indicators and notes that the minimum required composite score of 70 is too low to ensure sufficiently high levels of performance by PWI projects. In addition, the use of composite scores allows projects to receive no points for as many as five of the nine indicators yet still achieve a sufficiently high score to receive continuation funding.

Are changes needed in the scoring system? For example, the Secretary is considering the establishment of a minimum required score for each performance indicator. Should the scoring system continue to allocate points by performance ranges, or should a graduated points allocation system be used instead? For example, under the indicator on percentage of persons placed whose disabilities are severe, points could be allocated for each percentage point over and above a minimum performance level (i.e., 50 percent) rather than allocating a set number of points for performing anywhere within an established performance range—the approach now established under current § 379.53(h). In addition, should all indicators be considered of equal importance, or should a scoring system be developed that establishes different weights for various indicators depending on their importance? Another possibility is the use of a combination of a ''pass-fail'' approach for certain critical indicators and point scores on other indicators.

What Safeguards Should be in Place to Ensure the Validity and Accuracy of Data Reported on the Performance Indicators?

Both RSA's findings in conducting on-site compliance reviews of PWI projects and the RTI report have surfaced concerns about the ability of many PWI projects to collect, maintain, and report accurate data to substantiate performance on the indicators. What safeguards are necessary to ensure that projects are collecting and reporting accurate performance data to meet the indicators and receive continuation funding?

What Specific Changes are Needed in the Current Performance Indicators?

Use of Projections

There are two indicators that measure the project's actual yearly performance against its initial projections. The two indicators address actual costs versus projected costs of placements and actual performance versus projected placement rates. The RTI report points out that the ''promise-performance'' approach is problematic and should be reconsidered. This approach could

encourage projects to set unreasonably low goals in order to earn additional points under the indicators for exceeding those goals. Because of these issues, the Secretary is considering the elimination of these two indicators. Is there a strong rationale for retaining the current indicators that rely on projections, or should the performance indicators measure only the project's actual achievements? Could these indicators be revised to better focus on improvements or progress toward goals and thereby create incentives for achieving meaningful goals?

Cost Per Placement

As noted previously, the Secretary is proposing an interim increase in the performance indicator for cost per placement from the current threshold of $1600 or less to a proposed new threshold of $2400 or less. If the Secretary decides to keep a measure relating to cost per placement, is the proposed new dollar limit reasonable? Should the indicator be modified in some other way? Should the cost per placement threshold amount be adjusted for inflation over the life of a project?

An argument could be made that any indicator that assesses cost per placement conflicts with the existing indicators that focus on serving and placing individuals with severe disabilities. Such an indicator could lead to ''creaming'' and encourage projects to focus on serving individuals who need fewer services and are easier to place into employment. Another issue is that projects may be deterred from providing resource-intensive skills training if cost per placement (and not job retention or career advancement) is an indicator.

If the Secretary were to eliminate this indicator, what would be an appropriate performance measure regarding the efficient use of resources to implement Standard 4 (Funds shall be used to achieve the project's primary objective at minimum cost to the Federal Government)?

Numbers Served

Based on the Government Performance and Results Act of 1994, Federal programs are measuring the achievement of outputs and outcomes and not processes. Given this focus, the Secretary is considering the elimination of the current indicators relating to the percentage of individuals with severe disabilities served and the percentage of unemployed individuals served. Should these performance indicators be retained, or should the indicators focus only on project outcomes such as the number of individuals placed into employment and their earnings? Should new indicators be developed for other project outputs such as the number of project participants who complete a job training program, as defined in proposed § 379.5(b)(5)?

Change in Earnings

Projects can currently earn points under one performance indicator for project participants who have an increase in earnings of at least $75 per week above earnings reported at project entry. This performance level appears to be too low since the indicators also encourage projects to focus on serving individuals who are unemployed.

The Secretary wishes to maintain an indicator or indicators that measure increase in earnings. Is the current level for an increase of at least $75 per week too low? Should it be raised? Should the level be raised to an amount that would equal or exceed the average amount of support provided through Federal income maintenance and insurance programs (i.e., Social Security Disability Insurance program or Supplemental Security Income program), thus encouraging projects to assist individuals to find jobs that would allow them to leave the beneficiary rolls?

Would a more effective approach be to measure the average percentage increase in wages rather than a set amount increase? If so, should there be more than one indicator to allow a differentiation between those project participants who were unemployed at project entry versus those individuals who had some earnings at project entry? Should the performance level (or levels) for such an indicator or indicators be adjusted for economic conditions in the local project area? If so, how could those adjustments be implemented?

Individuals Who Are Unemployed

Recent polls conducted by Lou Harris and Associates have found that almost two-thirds of the individuals with disabilities in this country are not employed. These findings support the program's current emphasis on placing individuals with disabilities who are unemployed. The current indicators focus on individuals who have not worked for a period of at least six months prior to project entry. Is this period of sufficient length, or should the projects be encouraged through this indicator to serve individuals with longer-term unemployment (e.g., individuals who have been continuously unemployed for more than 1 year) or individuals who have never been employed?

In lieu of an indicator that measures a specific time period of unemployment, would it be more appropriate to use the average number of months unemployed as a measure? For example, the number of months since each project participant was last employed could be tallied, and the average (mean) could be computed and reported for the performance indicator. If such an approach were used, should the indicator also include the average number of months since an individual was enrolled full time in school to take into consideration those individuals making the transition from school to work?

Should New Indicators Be Developed to Address Statutory Requirements in the Rehabilitation Act Amendments of 1992?

Career Advancement

The 1992 Amendments required grantees under the PWI program to provide career advancement services to project participants. Should an indicator or indicators be developed for measuring career advancement? Would it be possible and appropriate to measure the number of project participants who are placed in jobs that have career advancement potential? Should the indicators measure the number of underemployed individuals who are assisted by the PWI project to advance in employment? If so, how could the scoring system balance such an indicator against the indicator that focuses on placing individuals who are unemployed? Would these indicators be at cross-purposes?

Long-Term Retention of Jobs

The 1992 Amendments require PWI projects to report on the number of project participants who were terminated from project placements and the duration of those placements. A clear outcome measure for the PWI program would be that project participants maintain employment for a longer period than the current regulatory requirement of 60 days. The Secretary is considering the establishment of a performance indicator related to long-term job retention for project participants beyond the retention standard to achieve a placement under this program. What would be an appropriate length of time for a job retention measure following placement—six months, nine months, one year, or longer? How can job retention be measured for those individuals placed in the fourth and fifth years of a time-limited project?

The Secretary is particularly interested in comments on the above issues and is also interested in

comments regarding any other concerns relating to the evaluation standards and performance indicators for the PWI program.

Executive Order 12866

1. Assessment of Costs and Benefits

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently. Burdens specifically associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading *Paperwork Reduction Act of 1995.*

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed regulations, the Secretary has determined that the benefits of the proposed regulations justify the costs. A further discussion of the potential costs and benefits of these proposed regulations is contained in the summary at the end of this section of the preamble.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

Summary of potential benefits relative to potential costs of the regulatory provisions discussed earlier in this preamble:

The Secretary believes the NPRM would substantially improve the PWI program regulations and would yield substantial benefits in terms of improved program management and accountability. As stated in the supplementary information section of this preamble (particularly in the sections entitled ''Overview of Proposed Changes'' and the ''Section-By-Section Summary of Proposed Changes''), the Secretary believes the proposed regulations better reflect the statute, reduce grantee burden by removing unnecessary non-statutory requirements, and improve program administration by clarifying frequently misunderstood program requirements. The Secretary has determined that the potential benefits of these proposed changes outweigh the potential costs to grantees. A brief discussion of the benefits of these proposed regulations, and cross-references to relevant portions of the Supplementary Information section of the preamble, follow.

More Accurate Reflection of Statutory Requirements

The Secretary believes these proposed regulations better reflect statutory intent, particularly with regard to the requirements for partnership with industry and job training. The proposed regulations include changes in the application content requirements (discussed in the sections of the preamble that cover Subpart C) and selection criteria (§ 379.30) in order to place more appropriate emphasis on these features of the PWI program. These changed requirements could entail some additional costs for applicants, in the form of additional resources needed to prepare a grant application. However, the Secretary believes that these costs would be more than offset by the benefit to the PWI program—namely, the selection for funding of projects that better reflect the requirements of the statute.

Reduction of Grantee Burden

As discussed in the ''Section-By-Section Summary'' (in particular the part that describes the proposed Subpart C), the Secretary is proposing to simplify and eliminate many of the existing application requirements. These changes would reduce burden on grant applicants by clarifying and reducing the application requirements. This reduction in burden should more than offset the application requirements being added by these proposed regulations.

Clarification of Program Requirements

The Secretary is proposing to add new definitions and revise existing definitions of statutory terms in order to clarify their meaning. These definitions are described in the part of the ''Section-By-Section Summary'' pertaining to § 379.5. For example, the Secretary has added definitions of the terms ''career advancement services'' and ''job training.'' The addition of these definitions may be perceived as imposing additional costs on grantees, in that they would establish specific requirements for previously undefined required program activities. However, the Secretary believes these definitions would allow for considerable grantee flexibility in project design, while ensuring that projects fulfill the program's statutory intent. In addition, the proposed definitions of ''placement'' and ''competitive employment,'' which conform to the definitions being proposed for The State Vocational Rehabilitation Services Program, would facilitate coordination between the two programs.

As stated in the ''Overview of Proposed Changes'' section of the preamble, in many parts of the proposed regulations the Secretary has provided explanatory notes to clarify several program requirements that have been misunderstood by some grantees in the past. The relevant parts of the ''Section-By-Section Summary'' (specifically the parts dealing with §§ 379.3, 379.10, 379.40, and 379.54) describe the rationale for the addition of each note. The Secretary believes these notes will better elucidate program requirements and facilitate grantee compliance with those requirements.

In addition, the proposed regulations replace confusing terminology contained in the present regulations (see specifically the section of the ''Section-By-Section Summary'' pertaining to § 379.2).

2. Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interferes with their clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§ '' and a numbered heading; for example, § 379.10 What types of project activities are required of each grantee under this program?) (4) Is the description of the regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the regulations? How could this description be more helpful in making the regulations easier to understand? (5) What else could the Department do to

make the regulations easier to understand?

A copy of any comments that concern how the Department could make these proposed regulations easier to understand should be sent to Stanley M. Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 5100, FB–10B), Washington, D.C. 20202–2241.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these proposed regulations are government, nonprofit, and for-profit agencies and organizations that receive Federal funds under this program. However, the regulations would not have a significant economic impact on these entities because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1995

Sections 379.20, 379.21, 379.30, 379.42, 379.43, 379.53, and 379.54 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Collection of Information: Projects With Industry

These regulations would affect the following types of entities eligible to apply for grants under the PWI program: for-profit and nonprofit agencies or organizations with the capacity to create and expand job and career opportunities for individuals with disabilities, including designated State units, labor unions, employers, community rehabilitation program providers, trade associations, and Indian tribes and tribal organizations. These information collection requirements would affect applicants for new awards and organizations and entities already receiving assistance under the PWI program.

The Department needs to collect this information in order to fulfill statutory requirements regarding the annual evaluation report and compliance indicators (in sections 621(b)(3) and 621(f)(2) of the Act, respectively). In addition, the Department must collect this information in order to ensure the selection of projects for funding that meet the statutory requirements of the PWI program.

All information is to be collected and reported once each year, with the exception of that which is required of applicants for new awards in §§ 379.21 and 379.30. These sections require responses from every organization or entity that applies for a new award under the program. Annual reporting and recordkeeping burden for these information collection and reporting requirements is estimated to average 40 hours for each response for 411 respondents (310 applicants and 101 grantees), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 16,440 hours.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10235, New Executive Office Building, Washington, D.C. 20503; Attention: Laura Oliven.

The Department considers comments by the public on these proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collections of information contained in these proposed regulations between 30 and 60 days after publication of this document in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3330, Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 379

Education, Grant programs—education, Grant programs—social programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance Number 84.234 Projects With Industry.)

Dated: October 16, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by revising Part 379 to read as follows:

PART 379—PROJECTS WITH INDUSTRY

Subpart A—General

Sec.

379.1 What is the Projects With Industry program?
379.2 Who is eligible for a grant award under this program?

379.3 Who is eligible for services under this program?
379.4 What regulations apply?
379.5 What definitions apply?

Subpart B—What Kinds of Activities Does the Department of Education Assist Under This Program?

379.10 What types of project activities are required of each grantee under this program?
379.11 What additional types of project activities may be authorized under this program?

Subpart C—How Does One Apply for an Award?

379.20 How does an eligible entity apply for an award?
379.21 What is the content of an application for an award?

Subpart D—How Does the Secretary Make a Grant?

379.30 What selection criteria does the Secretary use under this program?
379.31 What other factors does the Secretary consider in reviewing an application?

Subpart E—What Conditions Must Be Met by a Grantee?

379.40 What are the matching requirements?
379.41 What are allowable costs?
379.42 What are the requirements for a continuation award?
379.43 What are the additional reporting requirements?

Subpart F—What Compliance Indicator Requirements Must a Grantee Meet To Receive Continuation Funding?

379.50 What are the compliance indicator requirements for continuation funding?
379.51 What are the program compliance indicators?
379.52 How is grantee performance measured using the compliance indicators?
379.53 What are the weights, minimum performance levels, and performance ranges for each compliance indicator?
379.54 What are the reporting requirements for the compliance indicators?

Appendix—Evaluation Standards

Authority: Sections 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g, unless otherwise noted.

Subpart A—General

§ 379.1 What is the Projects With Industry (PWI) program?

This program is designed to—

(a) Create and expand job and career opportunities for individuals with disabilities in the competitive labor market by engaging the talent and leadership of private industry as partners in the rehabilitation process;

(b) Identify competitive job and career opportunities and the skills needed to perform these jobs;

(c) Create practical settings for job readiness and job training programs; and

(d) Provide job placements and career advancement.

(Authority: Section 621(a)(1) of the Act; 29 U.S.C. 795g(a)(1))

§ 379.2 Who is eligible for a grant award under this program?

(a) The Secretary may make a grant under this program to any—

(1) Community rehabilitation program provider;

(2) Designated State unit;

(3) Employer;

(4) Indian tribe or tribal organization;

(5) Labor Union;

(6) Nonprofit agency or organization;

(7) Trade association; or

(8) Other agency or organization with the capacity to create and expand job and career opportunities for individuals with disabilities.

(b) New awards may be made only to those eligible entities identified in paragraph (a) of this section that propose to serve individuals with disabilities in States, portions of States, Indian tribes, or tribal organizations that are currently unserved or underserved by the PWI program.

(Authority: Section 621(a)(2) and 621(e)(2) of the Act; 29 U.S.C. 795g(a)(2) and 795g(e)(2))

§ 379.3 Who is eligible for services under this program?

(a) An individual is eligible for services under this program if the appropriate State vocational rehabilitation unit determines the individual to be an individual with a disability or an individual with a severe disability, as defined in sections 7(8)(A) and 7(15)(A), respectively, of the Act.

(b) In making the determination under paragraph (a) of this section, the State vocational rehabilitation unit shall rely on the determination made by the recipient of the grant under which the services are provided, to the extent that the determination is appropriate, available, and consistent with the requirements of the Act.

(c) If a State vocational rehabilitation unit does not notify a recipient of a grant within 60 days that the determination of the recipient is inappropriate, the recipient of the grant may consider the individual to be eligible for services.

(Authority: Section 621(a)(3) of the Act; 29 U.S.C. 795g(a)(3))

Note: Under this program, the PWI grantee makes an initial or preliminary determination that an individual is eligible for services because the individual meets the definition of an ''individual with a disability'' or an ''individual with a severe disability.'' The State vocational rehabilitation unit has a maximum of 60 days to assess the appropriateness of the preliminary determination. If the State vocational rehabilitation unit does not decide that the preliminary eligibility determination is inappropriate within this time period, the eligibility determination becomes final. If an individual has already been determined eligible for vocational rehabilitation services under section 102(a) of the Act and is referred by the State vocational rehabilitation unit to the PWI, the PWI grantee can presume that the individual is an ''individual with a disability'' under section 7(8)(A) of the Act. The State vocational rehabilitation unit should provide documentation of that eligibility to the PWI. If the State vocational rehabilitation unit has determined that the eligible individual also meets the definition of an ''individual with a severe disability'' under section 7(15)(A) of the Act, the PWI grantee should be advised of that determination and provided appropriate documentation of that determination.

§ 379.4 What regulations apply?

The following regulations apply to the Projects With Industry program:

(a) The regulations in this part 379; and

(b) The regulations in 34 CFR part 369, except for the regulations in §§ 369.30 and 369.31.

(Authority: Section 621 of the Act; 29 U.S.C. 795g)

§ 379.5 What definitions apply?

(a) The definitions in 34 CFR part 369 apply to this program.

(b) The following definitions also apply to this program:

(1) *Career advancement services* mean services that develop specific job skills beyond those required by the position currently held by an individual with a disability to assist the individual to compete for a promotion or achieve an advanced position in the same field.

(2) *Competitive employment*, as the placement outcome under this program, means work—

(i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

(ii) For which an individual is compensated at or above the minimum wage, but not less than the prevailing wage for the same or similar work in the local community performed by individuals who are not disabled.

(3) *Integrated setting*, as part of the definition of *competitive employment*, means a setting typically found in the community in which individuals with disabilities have the opportunity to interact on a regular basis with non-disabled individuals other than non-disabled individuals who are providing services to them.

(4) *Job readiness training*, as used in § 379.41(a), means—

(i) Training in job-seeking skills;

(ii) Training in the preparation of resumes or job applications;

(iii) Training in interviewing skills;

(iv) Participating in a job club; or

(v) Other related activities that may assist an individual to secure competitive employment.

(5) *Job training*, as used in this part, means one or more of the following training activities provided prior to placement, as that term is defined in § 379.5(b)(7):

(i) Occupational skills training.

(ii) On-the-job training.

(iii) Workplace training combined with related instruction.

(iv) Job skill upgrading and retraining.

(v) Training to enhance basic work skills and workplace competencies.

(vi) On-site job coaching.

(6) *Person served* means an individual for whom services by a PWI project have been initiated with the objective that those services will result in a placement in competitive employment.

(7) *Placement* means the attainment of competitive employment by a person served by a PWI project who has successfully completed training and maintained employment for the duration of the probationary period established by the employer for its employees or, if the employer does not have an established probationary period, for a period of at least 90 days.

(Authority: Sections 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g)

Subpart B—What Kinds of Activities Does the Department of Education Assist Under This Program?

§ 379.10 What types of project activities are required of each grantee under this program?

Each grantee under the PWI program shall—

(a) Provide individuals with disabilities with job training in a realistic work setting, as appropriate to the needs of each individual served by the project, in order to prepare them for employment and career advancement in the competitive labor market;

(b) Provide individuals with disabilities with job placement and career advancement services;

(c) Provide individuals with disabilities with supportive services that are necessary to permit them to maintain the employment and career advancement for which they have received training under this program;

(d) To the extent appropriate, provide for—

(1) The development and modification of jobs and careers to accommodate the special needs of the individuals with disabilities being trained and employed under this program;

(2) The purchase and distribution of rehabilitation technology to meet the needs of individuals with disabilities at job sites; and

(3) The modification of any facilities or equipment of the employer that are to be used by individuals with disabilities under this program; and

(e) Provide for the establishment of Business Advisory Councils (BAC) comprised of representatives of private industry, business concerns, organized labor, and individuals with disabilities and their representatives who will identify job and career availability within the community, the skills necessary to perform those jobs and careers, and prescribe appropriate training programs.

Note: A PWI grantee can meet the requirements of § 379.10(a) by (1) directly providing job training to project participants, (2) by ensuring the provision of this training through arrangements with other entities, or (3) by a combination of both (1) and (2). The job training provided must meet the definition of job training in § 379.5(b)(5) and must be provided as appropriate to the needs of each individual served by the project. Although each individual served by the project may not need job training, the Secretary expects that each PWI project will have an identifiable job training component that is available to those individuals who need it. In order to meet the requirements of § 379.10(a), the job training must be provided while the individual is participating in the project. Therefore, post-employment training provided by an employer after placement by the PWI project, as defined in § 379.5(b)(7), would not meet this requirement. In addition, a project that provides only job readiness training, as defined in § 379.5(b)(4), would not meet the requirements of § 379.10(a).

(Authority: Section 621(a) of the Act; 29 U.S.C. 795g)

§ 379.11 What additional types of project activities may be authorized under this program?

The Secretary may include, as part of grant agreements with recipients under this program, authority for recipients to provide the following types of technical assistance:

(a) Assisting employers in hiring individuals with disabilities.

(b) Improving or developing relationships between grant recipients or prospective grant recipients and employers or organized labor.

(c) Assisting employers in understanding and meeting the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) as that Act relates to employment of individuals with disabilities.

(Authority: Section 621(a) of the Act; 29 U.S.C. 795g)

Subpart C—How Does One Apply for an Award?

§ 379.20 How does an eligible entity apply for an award?

In order to apply for a grant, an eligible entity shall submit an application to the Secretary in response to an application notice published in the Federal Register.

(Authority: Section 621(e)(1)(B) of the Act; 29 U.S.C. 795g(e)(1)(B))

§ 379.21 What is the content of an application for an award?

(a) The grant application must include a description of—

(1) The proposed job training to prepare project participants for specific jobs in the competitive labor market for which there is a need in the geographic area to be served by the project, as identified by an existing current labor market analysis or other needs assessment conducted by the applicant in collaboration with private industry;

(2) The involvement of private industry in the design of the proposed project and the manner in which the project will collaborate with private industry in planning, implementing, and evaluating job training, job placement, and career advancement activities;

(3) The responsibilities of the BAC and how it will interact with the project in carrying out grant activities;

(4) The geographic area to be served by the project, including an explanation of how the area is currently unserved or underserved by the PWI program;

(5) A plan for evaluating annually the operation of the proposed project, which, at a minimum, provides for collecting and submitting to the Secretary the following information and any additional data needed to determine compliance with the program compliance indicators established in Subpart F:

(i) The numbers and types of individuals with disabilities served.

(ii) The types of services provided.

(iii) The sources of funding.

(iv) The percentage of resources committed to each type of service provided.

(v) The extent to which the employment status and earning power of individuals with disabilities changed following services.

(vi) The extent of capacity building activities, including collaboration with business and industry and other organizations, agencies, and institutions.

(vii) A comparison, if appropriate, of activities in prior years with activities in the most recent year.

(viii) The number of project participants who were terminated from project placements and the duration of those placements; and

(6) A description of the manner in which the project will address the needs of individuals with disabilities from minority backgrounds, as required by 34 CFR 369.21.

(b) The grant application must also include assurances from the applicant that—

(1) The project will carry out all activities required in § 379.10;

(2) Individuals with disabilities who are placed by the project will receive compensation at or above the minimum wage, but no less than the prevailing wage for the same or similar work performed in the local community by individuals who are not disabled;

(3) Individuals with disabilities who are placed by the project will be given terms and benefits of employment equal to those that are given to similarly situated co-workers and will not be segregated from their co-workers; and

(4) The project will maintain any records required by the Secretary and make those records available for monitoring and audit purposes.

(Authority: Sections 621(a)(4), 621(a)(5), 621(b), and 621(e)(1)(B) of the Act; 29 U.S.C. 795g(a)(4), 795g(a)(5), 795g(b), and 795g(e)(1)(B))

Subpart D—How Does the Secretary Make a Grant?

§ 379.30 What selection criteria does the Secretary use under this program?

The Secretary uses the following criteria to evaluate an application:

(a) *Extent of need for project* (20 points). The Secretary reviews each application to determine the extent to which the project meets demonstrated needs. The Secretary looks for evidence that—

(1) The applicant has described an existing current labor market analysis, or has performed in collaboration with private industry a needs assessment, for the geographic area to be served that shows a demand in the competitive labor market for the types of jobs for which project participants will be trained; and

(2) The job training to be provided meets the identified needs of a specific industry or industries in the geographic area to be served by the project.

(b) *Partnership with industry* (25 points). The Secretary looks for information that demonstrates—

(1) The extent of the project's collaboration with private industry in the planning, implementation, and evaluation of job training, placement, and career advancement activities; and

(2) The extent of participation of the BAC in the identification of job and career opportunities, the skills necessary to perform the jobs and careers identified, and the development of training programs designed to develop these skills.

(c) *Project design and plan of operation for achieving competitive employment outcomes* (25 points). The Secretary reviews each application to determine—

(1) The extent to which the project goals and objectives for achieving competitive employment outcomes for individuals with disabilities to be served by the project are clearly stated and meet the needs identified by the applicant and the purposes of the program;

(2) The extent to which the project provides for all services and activities required under § 379.10;

(3) The feasibility of proposed strategies and methods for achieving project goals and objectives for competitive employment outcomes for project participants;

(4) The extent to which project activities will be coordinated with the State vocational rehabilitation unit and with other appropriate community resources in order to ensure an adequate number of referrals and a maximum use of comparable benefits and services;

(5) The extent to which the applicant's management plan will ensure proper and efficient administration of the project; and

(6) Whether the applicant has proposed a realistic timeline for the implementation of project activities to ensure timely accomplishment of proposed goals and objectives to achieve competitive employment outcomes for individuals with disabilities to be served by the project.

(d) *Adequacy of resources and quality of key personnel* (10 points). The Secretary reviews each application to determine—

(1) The adequacy of the resources (including facilities, equipment, and supplies) that the applicant plans to devote to the project;

(2) The quality of key personnel that will be involved in the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The experience and training of key personnel in fields related to the objectives and activities of the project; and

(3) The way the applicant plans to use its resources and personnel to achieve the project's goals and objectives, including the time that key personnel will commit to the project.

(e) *Budget and cost effectiveness* (10 points). The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(f) *Project evaluation* (10 points). The Secretary reviews each application to determine the quality of the proposed evaluation plan with respect to—

(1) Evaluating project operations and outcomes;

(2) Involving the BAC in evaluating the project's job training, placement, and career advancement activities;

(3) Meeting the annual evaluation reporting requirements in § 379.21(a)(7);

(4) Determining compliance with the indicators; and

(5) Addressing any deficiencies identified through project evaluation.

(Authority: Sections 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g)

§ 379.31 What other factors does the Secretary consider in reviewing an application?

In addition to the selection criteria in § 379.30, the Secretary, in making awards under this program, considers—

(a) The equitable distribution of projects among the States; and

(b) The past performance of the applicant in carrying out a similar PWI project under previously awarded grants, as indicated by factors such as compliance with grant conditions, soundness of programmatic and financial management practices, and meeting the requirements of Subpart F.

(Authority: Sections 621(e)(2) and 621(f)(4) of the Act; 29 U.S.C. 795g(e)(2) and 795g(f)(4))

Subpart E—What Conditions Must Be Met by a Grantee?

§ 379.40 What are the matching requirements?

The Federal share may not be more than 80 percent of the total cost of a project under this program.

(Authority: Section 621(c) of the Act; 29 U.S.C. 795g(c))

Note: (a) For example, if the total cost of a project is $500,000, the Federal share would be no more than $400,000 and the grantee's required minimum share (matching contribution) would be $100,000 (provided in cash or through third party in-kind contributions). The matching contribution is

based upon the total cost of the project, not on the amount of the Federal grant award.

(b) The matching contribution must comply with the requirements of 34 CFR 74.23 (for grantees that are institutions of higher education, hospitals, or other nonprofit organizations) or 34 CFR 80.24 (for grantees that are State, local, or Indian tribal governments). The term ''third party in-kind contributions'' is defined in either 34 CFR 74.2 or 34 CFR 80.3, as applicable to the type of grantee.

§ 379.41 What are allowable costs?

In addition to those costs that are allowable in accordance with 34 CFR 74.27 and 34 CFR 80.22, the following items are allowable costs under this program:

(a) The costs of job readiness training, as defined in § 379.5(b)(4); job training, as defined in § 379.5(b)(5); job placement services; and related vocational rehabilitation services and supportive rehabilitation services.

(b) Instruction and supervision of trainees.

(c) Training materials and supplies, including consumable materials.

(d) Instructional aids.

(e) The purchase or modification of rehabilitation technology to meet the needs of individuals with disabilities.

(f) Alteration and renovation appropriate and necessary to ensure access to and use of buildings by persons with disabilities served by the project.

(Authority: Sections 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g))

§ 379.42 What are the requirements for a continuation award?

(a) A grantee that wants to receive a continuation award must—

(1) Comply with the provisions of 34 CFR 75.253(a), including making substantial progress toward meeting the objectives in its approved application and submitting all performance and financial reports required by 34 CFR 75.118; and

(2) Submit data in accordance with § 379.54 showing that it has met the program compliance indicators established in Subpart F.

(b) In addition to the requirements in paragraph (a) of this section, the following other conditions in 34 CFR 75.253(a) must be met before the Secretary can make a continuation award:

(1) Congress must appropriate sufficient funds under the program.

(2) Continuation of the project must be in the best interest of the Federal Government.

(Authority: Sections 12(c) and 621(f)(4) of the Act; 29 U.S.C. 711(c) and 795g(f)(4))

§ 379.43 What are the additional reporting requirements?

Each grantee shall submit the data from its annual evaluation of project operations required under § 379.21(a)(5) no later than 60 days after the end of each project year, unless the Secretary authorizes a later submission date.

(Authority: Sections 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g)

Subpart F—What Compliance Indicator Requirements Must a Grantee Meet to Receive Continuation Funding?

§ 379.50 What are the compliance indicator requirements for continuation funding?

In order to receive a continuation award for the third or any subsequent year of a PWI grant, a grantee must receive a minimum composite score of at least 70 points on the program compliance indicators contained in § 379.53.

(Authority: Section 621(f)(4) of the Act; 29 U.S.C. 795g(f)(4))

§ 379.51 What are the program compliance indicators?

The program compliance indicators implement program evaluation standards, which are contained in an appendix to this part, by establishing minimum performance levels and performance ranges in essential project areas to measure the effectiveness of individual grantees.

(Authority: Sections 621(d)(1) and 621(f)(1) of the Act; 29 U.S.C. 795g(d)(1) and 795g(f)(1))

§ 379.52 How is grantee performance measured using the compliance indicators?

(a) Each compliance indicator establishes a minimum performance level.

(b) Each compliance indicator also establishes three performance ranges with points assigned to each range. The higher the performance range, the greater the number of points assigned to that range.

(c) If a grantee does not achieve the minimum performance level for a compliance indicator, the grantee receives no points.

(d) If a grantee achieves or exceeds the minimum performance level, the grantee receives the points assigned to the particular performance range that corresponds to its actual level of performance.

(e) The maximum possible composite score that a grantee can receive is 150 points.

(f) A grantee must receive a composite score of at least 70 points to meet the evaluation standards and to qualify for continuation funding.

(Authority: Section 621(f)(4) of the Act; 29 U.S.C. 795g(f)(4))

§ 379.53 What are the weights, minimum performance levels, and performance ranges for each compliance indicator?

(a) *Percent of persons served whose disabilities are severe.* (3–10 points) A minimum of 50 percent of persons served by the project are persons who have severe disabilities. The performance ranges and the points assigned to each range are as follows:

(1) 50 percent to 59 percent—3 points.

(2) 60 percent to 75 percent—7 points.

(3) 76 percent or more—10 points.

(b) *Percent of persons served who have been unemployed for at least six months at the time of project entry.* (5–15 points) A minimum of 50 percent of persons served by the project have been unemployed for at least six months at the time of project entry. The performance ranges and the points assigned to each range are as follows:

(1) 50 percent to 59 percent—5 points.

(2) 60 percent to 75 percent—10 points.

(3) 76 percent or more—15 points.

(c) *Cost per placement.* (8–25 points) The average cost per placement of persons served by the project does not exceed $2400.00. The performance ranges and the points assigned to each range are as follows:

(1) $2001 to $2400—8 points.

(2) $1601 to $2000—17 points.

(3) Less than $1600—25 points.

(d) *Projected cost per placement.* (5–15 points) The actual average cost per placement of persons served by the project does not exceed 140 percent of the projected average cost per placement in the grantee's application. The performance ranges and the points assigned to each range are as follows:

(1) 126 percent to 140 percent—5 points.

(2) 111 percent to 125 percent—10 points.

(3) 110 percent or less—15 points.

(e) *Placement rate.* (8–25 points) A minimum of 40 percent of persons served by the project are placed in competitive employment. The performance ranges and the points assigned to each range are as follows:

(1) 40 percent to 49 percent—8 points.

(2) 50 percent to 69 percent—17 points.

(3) 70 percent or more—25 points.

(f) *Projected placement rate.* (5–15 points) The actual number of persons served by the project who are placed into competitive employment is at least 50 percent of the number of persons that the grantee, in the grant application, projected would be placed. The performance ranges and the points assigned to each range are as follows:

(1) 50 percent to 74 percent—5 points.

(2) 75 percent to 94 percent—10 points.

(3) 95 percent or more—15 points.

(g) *Change in earnings.* (7–20 points) The earnings of persons served by the project who are placed into competitive employment have increased by an average of at least $75.00 a week over earnings at project entry. The performance ranges and the points assigned to each range are as follows:

(1) $75 to $124—7 points.

(2) $125 to $199—14 points.

(3) $200 or more—20 points.

(h) *Percent placed who have severe disabilities.* (3–10 points) At least 50 percent of persons served by the project who are placed into competitive employment are persons who have severe disabilities. The performance ranges and the points assigned to each range are as follows:

(1) 50 percent to 59 percent—3 points.

(2) 60 percent to 75 percent—7 points.

(3) 76 percent or more—10 points.

(i) *Percent unemployed placed.* (5–15 points) At least 50 percent of persons served by the project who are placed into competitive employment are persons who were unemployed for at least six months at the time of project entry. The performance ranges and the points assigned to each range are as follows:

(1) 50 percent to 59 percent—5 points.

(2) 60 percent to 75 percent—10 points.

(3) 76 percent or more—15 points.

(j) *Summary chart of weights and performance ranges.* The following composite chart shows the weights assigned to the performance ranges for each compliance indicator.

Indicator	Performance ranges—		
	(1)	(2)	(3)
Persons with severe disabilities served	3	7	10
Unemployed served	5	10	15
Cost per placement	8	17	25
Projected cost per placement	5	10	15
Placement rate	8	17	25
Projected placement rate	5	10	15
Change in earnings	7	14	20
Percent placed who have severe disabilities	3	7	10
Percent unemployed placed	5	10	15
Total possible score	49	102	150

(Authority: Section 621(f)(1) of the Act; 29 U.S.C. 795g(f)(1))

§ 379.54 What are the reporting requirements for the compliance indicators?

(a) In order to receive continuation funding for the third or any subsequent year of a PWI grant, each grantee must submit data for the most recent complete project year no later than 60 days after the end of that project year, unless the Secretary authorizes a later submission date, in order for the Secretary to determine if the grantee has met the program compliance indicators established in Subpart F.

(b) If the data for the most recent complete project year provided under paragraph (a) of this section shows that a grantee has failed to achieve the minimum composite score required in § 379.52(f) to meet the program compliance indicators, the grantee may, at its option, submit data from the first 6 months of the current project year no later than 60 days after the end of that 6-month period, unless the Secretary authorizes a later submission date, to demonstrate that its project performance has improved sufficiently to meet the minimum composite score.

(Authority: Section 621(f)(2) of the Act; 29 U.S.C. 795g(f)(2))

Note: A grantee receives its second year of funding (or the first continuation award) under this program before data from the first complete project year is available. Data from the first project year, however, must be submitted and is used (unless the grantee exercises the option in paragraph (b) of this section) to determine eligibility for the third year of funding (or the second continuation award).

Appendix—Evaluation Standards

Standard 1: The primary objective of the project shall be to assist individuals with disabilities to obtain competitive employment. The activities carried out by the project shall support the accomplishment of this objective.

Standard 2: The project shall serve individuals with disabilities that impair their capacity to obtain competitive employment. In selecting persons to receive services, priority shall be given to individuals with severe disabilities.

Standard 3: The project shall ensure the provision of services that will assist in the placement of persons with disabilities.

Standard 4: Funds shall be used to achieve the project's primary objective at minimum cost to the Federal Government.

Standard 5: The project's advisory council shall provide policy guidance and assistance in the conduct of the project.

Standard 6: Working relationships, including partnerships, shall be established with agencies and organizations in order to expand the project's capacity to meet its objectives.

Standard 7: The project shall obtain positive results in assisting individuals with disabilities to obtain competitive employment.

[FR Doc. 96–660 Filed 1–19–96; 8:45 am]

BILLING CODE 4000–01–P

federal register

Monday
January 22, 1996

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Part 5

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products; Final Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 5

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of fee adjustments.

SUMMARY: This notice revises the Mine Safety and Health Administration's (MSHA) user fees for testing, evaluation, and approval of certain products manufactured for use in underground mines. These fees are based on fiscal year 1995 data and reflect changes in approval processing operations, as well as costs incurred to process approval actions.

DATES: These fee schedules are effective from January 22, 1996 through December 31, 1996. Approval applications postmarked before January 22, 1996 will be chargeable under the fee schedules as published on December 23, 1994.

FOR FURTHER INFORMATION CONTACT: Peter M. Turcic, Chief, Approval and Certification Center, R.R. 1, Box 251, Triadelphia, WV 26059; phone 304–547–2029.

SUPPLEMENTARY INFORMATION: In general, MSHA has computed the revised fees based on the cost to the government to provide testing, evaluation, and approval of products manufactured for use in underground mines. On May 8, 1987 (52 FR 17506), MSHA published a final rule, 30 CFR Part 5—Fees for Testing, Evaluation, and Approval of Mining Products, which established the specific procedures for fee calculation, administration, and revisions. This revised fee schedule is established in accordance with the procedures of that rule.

The final rule for 30 CFR part 7, subpart J—Electric Motor Assemblies was issued February 22, 1993, with a 3-year phase-in period. Applications for approval of electric motor assemblies postmarked after February 22, 1996, must be submitted under 30 CFR part 7—Third Party Testing.

Dated: January 16, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

FEE SCHEDULE EFFECTIVE JANUARY 1, 1996

[Based on FY 1995 data]

	Action title	Hourly rate	Flat rate	Application fee
	30 CFR PART 7—PRODUCT TESTING BY THIRD PARTY			
12	Approval Evaluation—Battery Assemblies	$44		$0
12	Approval Evaluation—Brattice and Ventilation Tubing	51		0
12	Approval Evaluation—Multiple-Shot Blasting Units	44		0
12	Approval Evaluation—Electric Motor Assemblies [1]	44		0
12	Approval Evaluation—Electric Cables and Splice Kits	49		0
14	Approval Extension—Batteries Assemblies	44		0
14	Approval Extension—Brattice and Ventilation Tubing	47		0
14	Approval Extension—Multiple-Shot Blasting Units	44		0
14	Approval Extension—Electric Motor Assemblies [1]	44		0
14	Approval Extension—Electric Cables and Splice Kits	48		0
40	Stamped Notification Acceptance Program (SNAP)		$284	
	30 CFR PART 15—EXPLOSIVES			
12	Approval Evaluation [2]	47		0
	Permissibility Tests for Explosives:			
	Weigh-in	420		
	Physical Exam: First size		295	
	Chemical Analysis		1,797	
	Air Gap—Minimum Product Firing Temperature		418	
	Air Gap—Room Temperature		320	
	Pendulum Friction Test		148	
	Detonation Rate		320	
	Gallery Test 7		6,760	
	Gallery Test 8		5,030	
	Toxic Gases (Large Chamber)		732	
	Permissibility Tests for Sheathed Explosives:			
	Physical Examination		128	
	Chemical Analysis		1,044	
	Gallery Test 9		1,944	
	Gallery Test 10		1,944	
	Gallery Test 11	1,944		
	Gallery Test 12		1,944	
	Drop Test		648	
	Temperature Effects/Detonation		672	
	Toxic Gases		580	
14	Approval Extension	47		0
	30 CFR PART 18—ELECTRIC MOTOR DRIVEN EQUIPMENT AND ACCESSORIES			
12	Approval—Machine Evaluation [2]	50		0
	Approval—Machine Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		

FEE SCHEDULE EFFECTIVE JANUARY 1, 1996—Continued

[Based on FY 1995 data]

	Action title	Hourly rate	Flat rate	Application fee
	Product Flame Test	48		
12	Approval—Instrument (testing included)	50		0
14	Approval Extension—Machine Evaluation [2]	49		0
	Approval Extension—Machine Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
14	Approval Extension—Instruments (testing included)	48		0
15	Acceptance Evaluation [2]	46		0
	Acceptance Testing:			
	Explosion Test	42		
	Wall Thickness Test	51		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
	Compressibility Test (asbestos substitutes)	52		
16	Certification Evaluation [2]	44		0
	Certification Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
17	Acceptance Extension [2]	46		0
	Product Flame Test	48		
18	Certification Extension [2]	44		0
	Certification Extension Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
21	Field Modification [2]	51		0
	Field Modification Testing:			
	Explosion Test	42		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
	Arc Ignition Test	51		
23	Field Approval		260	
26	Permit—Machines [2]	52		0
	Permit Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
26	Permit—Instruments (testing included)	51		0
30	Intrinsic Safety Determination (testing included)	51		0
31	Intrinsic Safety Determination Extension (testing included)	50		0
32	Simplified Certification [2]	46		0
	Simplified Certification Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
34	Simplified Certification Extension [2]	40		0
	Simplified Certification Extension Testing:			
	Explosion Test	42		
	Surface/Temperature Test	41		
	Impact Test	43		
	Thermal Shock Test	43		
	Product Flame Test	48		
40	Stamped Notification Acceptance Program (SNAP)		284	
41	Longwall Approval [2]	51		0

FEE SCHEDULE EFFECTIVE JANUARY 1, 1996—Continued

[Based on FY 1995 data]

	Action title	Hourly rate	Flat rate	Application fee
	Longwall Approval Testing:			
	Explosion Test	42		
	Thermal Shock Test	43		
	Impact Test	43		
	Product Flame Test	48		
	Arc Ignition Test	51		
42	Longwall Approval Extension [2]	50	0	
	Longwall Approval Extension Testing:			
	Explosion Test	42		
	Thermal Shock Test	43		
	Impact Test	43		
	Product Flame Test	48		
	Arc Ignition Test	51		
45	Shearer Evaluation [2]	51		0
	Shearer Evaluation Testing:			
	Explosion Test	42		
	Thermal Shock Test	43		
	Impact Test	43		
	Product Flame Test	48		
	Arc Ignition Test	51		
46	Shearer Evaluation Extension [2]	50	0	
	Shearer Evaluation Extension Testing:			
	Explosion Test	42		
	Thermal Shock Test	43		
	Impact Test	43		
	Product Flame Test	48		
	Arc Ignition Test	51		
47	Permit—Extension of Time		95	
48	Permit Modification—Machine	47		0
48	Permit Modification—Instrument (testing included)	47		0
	30 CFR PART 19—ELECTRIC CAP LAMPS			
12	Approval (testing included)	46		0
14	Approval Extension (testing included)	46		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 20—ELECTRIC MINE LAMPS			
12	Approval (testing included)	45		0
14	Approval Extension (testing included)	45		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 21—FLAME SAFETY LAMPS			
12	Approval (testing included)	47		0
14	Approval Extension (testing included)	47		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 22—PORTABLE METHANE DETECTORS			
12	Approval (testing included)	49		0
14	Approval Extension (testing included)	49		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 23—TELEPHONES AND SIGNALING DEVICES			
12	Approval (testing included)	50		0
14	Approval Extension (testing included)	50		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 24—SINGLE-SHOT BLASTING UNITS			
12	Approval (testing included)	51		0
14	Approval Extension (testing included)	51		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 26—LIGHTING EQUIPMENT FOR ILLUMINATION			
12	Approval (testing included)	50		0
14	Approval Extension (testing included)	50		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 27—METHANE MONITORING SYSTEMS			
16	Certification (testing included)	51		0

FEE SCHEDULE EFFECTIVE JANUARY 1, 1996—Continued

[Based on FY 1995 data]

	Action title	Hourly rate	Flat rate	Application fee
18	Certification Extension (testing included)	48		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 28—D.C. CURRENT FUSES			
12	Approval (testing included)	52		0
14	Approval Extension (testing included)	52		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 29—PORTABLE DUST ANALYZERS AND METHANE MONITORS			
12	Approval (testing included)	47		0
14	Approval Extension (testing included)	47		0
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 31—DIESEL MINE LOCOMOTIVES			
12	Approval	48		0
14	Approval Extension	48		0
	30 CFR PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NONCOAL MINES			
12	Approval	48		0
14	Approval Extension	48		0
16	Certification Evaluation [2]	50		0
	Certification Testing:			
	Emissions Test	52		
	Pre/Post Test Preparation	48		
18	Certification Extension Evaluation [2]	47		0
	Certification Extension Testing:			
	Emissions Test	52		
	Pre/Post Test Preparation	48		
	30 CFR PART 33—DUST COLLECTORS			
12	Approval Evaluation without Cert. of Performance [2]	51		0
	Approval Testing: Dust Collector Test	52		
14	Approval Extension Evaluation [2]	51		0
	Approval Extension Testing: Dust Collector Test	52		
16	Certification Evaluation [2]	51		0
	Certification Testing: Dust Collector Test	52		
18	Certification Extension [2]	51		0
	Certification Extension Testing: Dust Collector Test	52		
21	Field Modification	50		0
29	Dust Collector Approval with Cert. of Performance		178	
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 35—FIRE-RESISTANT HYDRAULIC FLUIDS			
12	Approval (testing included)	46		0
14	Approval Extension (testing included)	46		0
	30 CFR PART 36—MOBILE DIESEL-POWERED EQUIPMENT			
12	Approval	52		0
14	Approval Extension	50		0
16	Certification—Engine Evaluation [2]	47		0
	Certification—Engine Testing:			
	Emissions Test	48		
	Explosion Test	53		
	Surface Temperature/Safety Controls Test	49		
	Pre/Post Test Preparation	51		
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	Certification Extension—Engine Testing:			
	Emissions Test	48		
	Explosion Test	53		
	Surface Temperature/Safety Controls Test	49		
	Pre/Post Test Preparation	51		
21	Field Modification	53		0
27	Certification—Diesel Components Evaluation [2]	50		0
	Certification—Diesel Components Testing:			
	Emission Test	48		
	Explosion Test	53		
	Water Consumption/Cooling Efficiency Test	52		
	Surface Temperature	49		
	Safety Control Test	50		

FEE SCHEDULE EFFECTIVE JANUARY 1, 1996—Continued

[Based on FY 1995 data]

	Action title	Hourly rate	Flat rate	Application fee
	Pre/Post Test Preparation	51		
28	Certification Extension—Diesel Components Evaluation [2]	50		0
	Certification Extension—Diesel Components Testing:			
	Emission Test	48		
	Explosion Test	53		
	Water Consumption/Cooling Efficiency Test	52		
	Surface Temperature	49		
	Safety Control Test	50		
	Pre/Post Test Preparation	51		
40	Stamped Notification Acceptance Program (SNAP)		284	
	30 CFR PART 74—COAL MINE DUST PERSONAL SAMPLER UNITS			
12	Approval	47		0
	00 OTHER A&CC SERVICES			
15	Acceptance—Overcurrent Relays (testing included)	48		0
15	Statement of Test and Evaluation (ST&E)		44	
15	Material Acceptance (testing included)	48		0
15	Monitor and Power System (MAPS) (testing included)	51		0
15	Acceptance—Ground Check Monitor/Ground Wire Devices (testing included)	48		0
17	Acceptance Extension—Overcurrent Relays	48		0
17	Acceptance Extension—Interim Criteria	46		0
17	Statement of Test and Evaluation (ST&E) Extension		28	
17	Material Acceptance Extension (testing included)	48		0
17	Acceptance Extension—Ground Check Monitor/Ground Wire Devices	49		0
20	Stamped Revision Acceptance (SRA) [3]		278	
24	Acceptance—Panic Bar	48		0
33	Generic Statement of Test and Evaluation (ST&E)	48		0
35	Administration Records Update	15		0
37	Acceptance—Interim Criteria [2]	47		0
	Interim Criteria Testing: Product Flame Test	49		
40	Stamped Notification Acceptance Program (SNAP)—Ground Check Monitor/Ground Wire Device/Overcurrent Relay		284	
40	Stamped Notification Acceptance Program (SNAP) ST&E		28	
41	Approval—Longwall Area Lighting	50		0
42	Approval Extension—Longwall Area Lighting	48		0
50	Mine Wide Monitoring System (MWMS) Evaluation	49		0
52	Mine Wide Monitoring System (MWMS) Barrier Classification		75	
54	Mine Wide Monitoring System (MWMS) Sensor Classification		241	
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[1] Applications for electric motor assemblies postmarked after February 22, 1996, must be submitted under 30 CFR Part 7 Third Party Testing. Applicable fees are listed under 30 CFR Part 7 Fees Schedule.

[2] Full approval fee consists of evaluation cost plus applicable test costs.

[3] Fee covers SRA application accompanied by up to five documents.

[4] Fee based upon the approval schedule in effect at the time of retest.

NOTE: When testing and evaluation are required at locations other than MSHA's premises, the applicant shall reimburse MSHA for traveling, subsistence, and incidental expenses of MSHA's representation in accordance with standardized government travel regulations. This reimbursement is in addition to the fees charged for evaluation and testing.

[FR Doc. 96–691 Filed 1–19–96; 8:45 am]

BILLING CODE 4510–43–P

federal register

Monday
January 22, 1996

Part IV

The President

Executive Order 12986—International Union for Conservation of Nature and Natural Resources

Notice of January 18, 1996—Continuation of Emergency Regarding Terrorists Who Threaten To Disrupt the Middle East Peace Process

Federal Register
Vol. 61, No. 14
Monday, January 22, 1996

Presidential Documents

Title 3—

The President

Executive Order 12986 of January 18, 1996

International Union for Conservation of Nature and Natural Resources

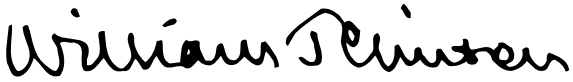
By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including sections 1 and 14 of the International Organizations Immunities Act (22 U.S.C. 288 *et seq.*, as amended by section 426 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103–236), I hereby extend to the International Union for Conservation of Nature and Natural Resources the privileges and immunities that provide or pertain to immunity from suit. To this effect, the following sections of the International Organizations Immunities Act shall not apply to the International Union for Conservation of Nature and Natural Resources:

—Section 2(b), 22 U.S.C. 288a(b), that provides international organizations and their property and assets with the same immunity from suit and judicial process as is enjoyed by foreign governments.

—Section 2(c), 22 U.S.C. 288a(c), that provides that the property and assets of international organizations shall be immune from search and confiscation and that their archives shall be inviolable.

—Section 7(b), 22 U.S.C. 288d(b), that provides the representatives of foreign governments in or to international organizations and the officers and employees of such organizations with immunity from suit and legal process relating to acts performed by them in their official capacity and falling within their functions.

This designation is not intended to abridge in any respect privileges, exemptions, or immunities that the International Union for Conservation of Nature and Natural Resources may have acquired or may acquire by international agreements or by congressional action.



THE WHITE HOUSE,
January 18, 1996.

[FR Doc. 96–955
Filed 1–19–96; 11:23 am]
Billing code 3195–01–P

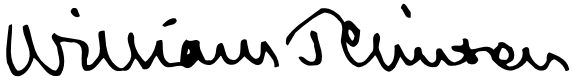
Presidential Documents

Notice of January 18, 1996

Continuation of Emergency Regarding Terrorists Who Threaten To Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order No. 12947, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process. By Executive Order No. 12947 of January 23, 1995, I blocked the assets in the United States, or in the control of United States persons, of foreign terrorists who threaten to disrupt the Middle East peace process. I also prohibited transactions or dealings by United States persons in such property. Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency must continue in effect beyond January 23, 1996. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.

This notice shall be published in the Federal Register and transmitted to the Congress.



THE WHITE HOUSE,
January 18, 1996.

[FR Doc. 96–956
Filed 1–19–96; 11:24 am]
Billing code 3196–01–P

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The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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CFR CHECKLIST

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3 (1994 Compilation and Parts 100 and 101)	(869–026–00002–6)	40.00	[1] Jan. 1, 1995
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300–399	(869–026–00154–5)	21.00	July 1, 1995
400–424	(869–026–00155–3)	26.00	July 1, 1995
425–699	(869–026–00156–1)	30.00	July 1, 1995
700–789	(869–026–00157–0)	25.00	July 1, 1995
790–End	(869–026–00158–8)	15.00	July 1, 1995
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
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102–200	(869–026–00161–8)	15.00	July 1, 1995
201–End	(869–026–00162–6)	13.00	July 1, 1995
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–026–00166–9)	23.00	Oct. 1, 1995
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–026–00168–5)	15.00	Oct. 1, 1995
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
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200–499	(869–026–00171–5)	14.00	Oct. 1, 1995
500–1199	(869–026–00172–3)	23.00	Oct. 1, 1995
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
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41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
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156–165	(869–022–00176–1)	17.00	[7] Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
*500–End	(869–026–00182–1)	13.00	Oct. 1, 1995
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–026–00184–7)	21.00	Oct. 1, 1995
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49 Parts:			
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1200–End	(869–026–00202–9)	15.00	Oct. 1, 1995
50 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.

[8] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.