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# Federal Register

Tuesday
January 23, 1996

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[Two Sessions]

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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.

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# Rules and Regulations

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## FEDERAL LABOR RELATIONS AUTHORITY

### 5 CFR Chapter XIV

### Regional Offices; Sub-Regional Office Closure; Sub-Regional Office Change in Status; Address, Telephone and Fax Number Change

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Amendment of rules and regulations.

**SUMMARY:** This document amends the rules and regulations of the Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel to announce the closing of the Philadelphia Sub-Regional Office; the change in status of the Cleveland Sub-Regional Office; and the Atlanta Regional Office's new address, telephone and fax numbers.

**EFFECTIVE DATE:** January 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Clyde B. Blandford Jr., Director of Operations and Resource Management, at (202) 482–6602.

**SUPPLEMENTARY INFORMATION:** Effective January 28, 1980, the Authority and the General Counsel published, at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority and the General Counsel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR part 2400.

Appendix A, paragraph (d) of the rules and regulations lists the current addresses, telephone and fax numbers of the Regional Offices and Sub-Regional Offices of the Authority. This amendment announces the closure of the Philadelphia Sub-Regional Office and the change in status of the Cleveland Sub-Regional Office to a duty station. Upon a careful review of costs and operating efficiencies, we have concluded that the transaction of Authority business will be enhanced by these actions. This change does not affect the geographic jurisdiction of the Boston and Chicago Regional Offices, respectively. Additionally, this amendment announces changes in the address, telephone and fax numbers of the Atlanta Regional Office.

Executive Order 12291

This proposed regulation has been reviewed in accordance with Executive Order 12291. It is not classified as major because it does not meet the criteria for major regulations established by the Order.

Regulatory Flexibility Act Certification

The General Counsel has determined that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1980

The proposed regulation contains no information collection or recordkeeping requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

For the reasons set out in the preamble and under the authority of 5 U.S.C. 7134, Appendix A to 5 CFR chapter XIV is amended by revising paragraph (d) to read as follows:

Appendix A to 5 CFR Chapter XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses, telephone and fax numbers of the Regional Offices of the Authority are as follows:

(1) Boston, Massachusetts Regional Office–99 Summer Street, suite 1500, Boston, Massachusetts 02110–1200; telephone: FTS or commercial (617) 424–5730; fax: FTS or commercial (617) 424–5743.

(2) Washington, DC Regional Office—1255 22nd Street, NW., suite 400, Washington, DC 20037–1206; telephone: FTS or commercial (202) 653–8500; fax: FTS or commercial (202) 653–5091.

(3) Atlanta, Georgia Regional Office—285 Peachtree Center Avenue, suite 701, Atlanta, Georgia 30303–1270; telephone: FTS or commercial (404) 331–5300; fax: FTS or commercial (404) 331–5280.

(4) Chicago, Illinois Regional Office—55 West Monroe, suite 1150, Chicago, Illinois 60603–9729; telephone: FTS or commercial (312) 353–6306; fax: FTS or commercial (312) 886–5977.

(5) Dallas, Texas Regional Office—525 Griffin Street, suite 926, LB–107, Dallas, Texas 75202–1906; telephone: FTS or commercial (214) 767–4996; fax: FTS or commercial (214) 767–0156.

(6) Denver, Colorado Regional Office—1244 Speer Boulevard, suite 100, Denver, Colorado 80204–3581; telephone: FTS or commercial (303) 844–5224; fax: FTS or commercial (303) 844–2774.

(7) San Francisco, California Regional Office—901 Market Street, suite 220, San Francisco, California 94103–1791; telephone: FTS or commercial (415) 356–5000; fax: FTS or commercial (415) 356–5017.

* * * * *

Dated: January 17, 1996.

Solly Thomas,

*Executive Director, Federal Labor Relations Authority.*

[FR Doc. 96–763 Filed 1–22–96; 8:45 am]

BILLING CODE 6727–01–M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 92

**[Docket No. 95–092–1]**

### Specifically Approved States Authorized To Receive Mares and Stallions Imported From Countries Where CEM Exists

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Direct final rule.

**SUMMARY:** We are amending the animal importation regulations by adding Alabama and North Carolina to the list of States approved to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM). We are also adding Alabama to the list of States approved to receive certain stallions imported into the United States from countries affected with CEM. We are taking this action because Alabama and North Carolina have entered into an agreement with the Administrator of the Animal and Plant Health Inspection Service to enforce their State laws and regulations to control CEM and to require inspection, treatment, and testing of horses, as required by Federal regulations, to further ensure the horses' freedom from CEM. This action relieves unnecessary restrictions on importers of

mares and stallions from countries where CEM exists.

**DATES:** This rule will be effective on March 25, 1996 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before February 22, 1996.

**ADDRESSES:** Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to Docket No. 95–092–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your submission refers to Docket No. 95–092–1. Submissions 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 and notices are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Joyce Bowling, Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, (301) 734–6479.

**SUPPLEMENTARY INFORMATION:**

Background

The animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations), among other things, prohibit or restrict the importation of certain animals, including horses, into the United States to protect U.S. livestock from communicable diseases. Sections 92.301(c)(2), 92.304(a)(4)(ii), and 92.304(a)(7)(ii) allow certain horses to be imported into the United States from certain countries where contagious equine metritis (CEM) exists if specific requirements to prevent their introducing CEM into the United States are met.

Mares and stallions over 731 days old must be consigned to States that have been approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS) as meeting conditions necessary to ensure that the mares and stallions are free of CEM. These conditions, which concern inspection, treatment, and testing of the mares and stallions, are contained in § 92.304(a)(5) of the regulations for stallions and in § 92.304(a)(8) of the regulations for mares. Alabama and North Carolina have agreed to abide by the State regulations concerning mares and stallions imported from countries where CEM exists, and have entered into a written agreement with the Administrator, APHIS, to enforce their State laws and regulations, as required by the regulations, to control CEM.

This direct final rule will add Alabama and North Carolina to the list of States approved to receive certain mares (§ 92.304(a)(7)(ii)) imported into the United States from countries where CEM exists. This direct final rule will also add Alabama to the list of States approved to receive certain stallions (§ 92.304(a)(4)(ii)) imported into the United States from countries where CEM exists. (North Carolina is already on the list in § 92.304(a)(4)(ii) of States approved to receive certain stallions imported into the United States from countries where CEM exists.)

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the Federal Register unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the Federal Register.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the Federal Register withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the Federal Register, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

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.

We anticipate that fewer than 20 mares and stallions over 731 days old will be imported into the States of Alabama and North Carolina annually from countries where CEM exists. Approximately 200–300 mares and stallions over 731 days old from countries where CEM exists were imported into approved States in fiscal year 1995. During this same period, approximately 2,167 horses of all classes were imported into the United States from countries other than Canada and Mexico through air and ocean ports; approximately 27,565 horses were imported from Canada; and, approximately 15,358 horses were imported from Mexico.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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 in conflict 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.

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 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 is amended as follows:

## PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

**§ 92.304 [Amended]**

2. Section 92.304 is amended as follows:

a. In paragraph (a)(4)(ii), by adding, in alphabetical order, ''The State of Alabama''.

b. In paragraph (a)(7)(ii), by adding, in alphabetical order, ''The State of Alabama'' and ''The State of North Carolina''.

Done in Washington, DC, this 17th day of January 1996.

Terry L. Medley,

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96–870 Filed 1–22–96; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF THE TREASURY

## Community Development Financial Institutions Fund

## 12 CFR Parts 1805 and 1806

**RIN 1505–AA72**

## Community Development Financial Institutions Program; Bank Enterprise Award Program

**AGENCY:** Community Development Financial Institutions Fund, Department of the Treasury.

**ACTION:** Interim rule with request for comment; extension of comment period.

**SUMMARY:** The Department of the Treasury is issuing revisions to the interim regulations for the Community Development Financial Institutions (CDFI) Program and the Bank Enterprise Award (BEA) Program published in the Federal Register on October 19, 1995. The CDFI Program and BEA Program were authorized by the Community Development Banking and Financial Institutions Act of 1994. The programs are designed to facilitate the flow of lending and investment capital into distressed communities and to individuals who have been unable to take full advantage of the financial services industry. This action also extends the comment period on the CDFI Program and BEA Program interim regulations published on October 19, 1995 to March 15, 1996.

**DATES:** This interim rule is effective January 23, 1996. Comments on this interim rule must be received on or before March 15, 1996. The comment period on the CDFI Program and BEA Program interim regulations published in the Federal Register on October 19, 1995 is extended from January 15, 1996 to March 15, 1996.

**ADDRESSES:** All questions or comments concerning this interim rule and the October 19, 1995, CDFI Program and BEA Program interim regulations should be addressed to the Director, Community Development Financial Institutions Fund, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Room 5116, Washington DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Kirsten S. Moy, Director, Community Development Financial Institutions Fund at (202) 622–8662. (This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:**

I. General

*Executive Order (E.O.) 12866*

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866.

*Regulatory Flexibility Act*

Because no notice of proposed rulemaking is required for this interim rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply. Moreover, the Department of the Treasury finds that any economic or other consequence of this interim rule are a direct result of the implementation of statutory provisions.

*Administrative Procedure Act*

Pursuant to the provisions of 5 U.S.C. 553(a)(2), these regulations are exempt from the proposed rulemaking requirements of 5 U.S.C. 553(b) and are being issued as interim regulations without opportunity for notice and public comment prior to their effective date. Furthermore, the Department for good cause finds that notice and public comment prior to effect are impracticable and contrary to the public interest. This interim regulation is intended to amend the interim regulations for the CDFI Program and BEA Program that were published on October 19, 1995. The purpose of the amendments is to clarify several provisions of the October 19 interim regulations prior to the application deadline (January 29, 1996) for both programs. The amendments will also give applicants greater flexibility in the type of information the Fund will accept as part of an application—thus, reducing paperwork burden.

*Catalog of Federal Financial Assistance Numbers*

Community Development Financial Institutions Program—21.020; Bank Enterprise Award Program—21.021.

II. Background

On October 19, 1995, the Fund published interim regulations in the Federal Register for the Community Development Financial Institutions Program (12 CFR part 1805) and the Bank Enterprise Award Program (12 CFR part 1806). Subsequent to the publication of such interim regulations, the Fund has developed policies to clarify several provisions in the interim regulations. The technical revisions contained in this interim rule will provide greater flexibility in the types of information that may be submitted as part of an application and thereby reduce the paperwork and regulatory burden for applicants. The Fund is extending the comment period on the interim regulations published on October 19, 1995 and these amendments to such interim regulations to March 15, 1996.

III. Community Development Financial Institutions Program

Under the CDFI Program (12 CFR part 1805), the Fund will provide financial and technical assistance to selected applicants to engage in certain community development activities. The following summarizes the revisions to the regulations.

*Subpart A—General Provisions*

Section 1805.104(n) is revised to change the definition of the term ''Comprehensive Business Plan'' such that it covers a period of not less than the next five years—rather than a period of not less than the next five fiscal years. The revision will provide greater flexibility to Applicants in the manner in which they can prepare projections.

*Subpart B—Eligibility*

Section 1805.201 is revised to clarify that the Fund may revoke a CDFI certification for good cause.

*Subpart F—Matching Funds Requirements*

Subpart F of the CDFI Program is revised to clarify two provisions concerning the use of certain funds for meeting the matching funds requirements. The revision to § 1805.600 clarifies that private funds that have been used to satisfy a legal requirement for obtaining monies from other Federal programs shall not be used to meet the matching funds requirements of the CDFI Program. In

addition, a new § 1805.604 clarifies the types of monies the Fund will consider as retained earnings for the purpose of meeting the matching funds requirements. As part of the Conference Report to the Riegle Community Development and Regulatory Improvement Act of 1994 (Report 103–652), Congress expressed its intent that retained earnings be considered as a source of matching funds. However, given the diversity of types of institutions that may apply for assistance, the Fund has sought to clarify the monies that will be considered retained earnings. This clarification is intended to take into consideration the capacity of different types of organizations to raise capital from private sources and focus on sources of income that are earned from an Applicant's operations. With respect to for-profit and non-profit (excluding Insured Credit Unions) organizations, the value of grants or other donated assets will not be considered retained earnings. Except as specified below, retained earnings that can be used for matching purposes are limited to those amounts that have been accumulated over the Applicant's most recent fiscal year or the annual average of amounts earned over the Applicant's three most recent fiscal years. The Fund will provide an additional option to Insured Credit Unions because such institutions face unique barriers in raising capital to enhance their net worth. As non-profit institutions, Insured Credit Unions cannot sell stock to raise equity capital. Furthermore, Insured Credit Unions have historically experienced greater difficulty in obtaining grants from philanthropic sources than other types of non-profit institutions. The Fund will permit Insured Credit Unions to use net capital that has been accumulated within the period described above or since the inception of the organization. In the latter case, the Fund will provide that—as part of an Applicant's performance goals—an Insured Credit Union shall increase its member and/or non-member shares by an amount that is at least equal to four times the amount of net capital that is committed as matching funds.

*Subpart G—Applications for Assistance*

Revised § 1805.701(d)(2)(iii) modifies the application requirements to provide greater flexibility in forms of historic and projected financial statements that the Fund will accept. In § 1805.701(e)(3), Insured Credit Unions that seek to use retained earnings as matching funds are now permitted to substitute certain information submitted to the National Credit Union Administration in lieu of tax returns.

IV. Bank Enterprise Award Program

Under the BEA Program (12 CFR part 1806), the Fund will provide awards to selected Applicants that successfully carry out certain community development activities. The following summarizes the amendments to the interim regulations.

*Subpart A—General Provisions*

Definitions

The term ''Investment'' is added to § 1806.103 to describe the activities covered by this revision. An ''Investment'' (other than an Equity Investment in a CDFI) shall be considered to be the purchase of stock, a limited partnership interest, or another ownership instrument, or a grant provided by an Applicant or its Subsidiary in a commercial real estate, single family housing, multi-family housing, business or agriculture project or activity.

*Subpart B—Awards*

Community Designation

Section 1806.200 of these Bank Enterprise Award (BEA) Program interim regulations clarifies that if a Distressed Community is composed of census tracts, an Applicant may submit estimates of unemployment using the U.S. Bureau of Labor Statistics' ''Census Share'' calculation method. An Applicant interested in using the Census Share method should contact the Fund to obtain instructions for such calculations.

Application Requirements

Section 1806.201 is revised to permit an Applicant to report investments (other than Equity Investments in a CDFI) in specific projects or activities as part of its Eligible Development Activities. Such investment activities should be reported on the application forms in the same category of Eligible Development Activity described in § 1806.201(b)(4) that most closely describes the subject investment activity (e.g. an investment in a multi-family housing project should be reported under ''Multi-Family Loans.'').

Section 1806.202 is modified to clarify the manner in which the Fund will assess the value of an Investment. An Investment will be valued at the original amount of the purchase of stock, limited partnership interest, or other ownership interest, or grant.

In response to numerous questions raised by potential Applicants, the Fund seeks to clarify that § 1806.201(b)(4)(viii) requires an Applicant to report the amount of funds that are deposited by *Residents* of a Distressed Community at offices located within the Distressed Community. However, the Fund has determined that this will create an undue burden for many Applicants. For this reason, these interim regulations give Applicants the option of not reporting information on its deposit liabilities. In such a case, an Applicant's deposit liabilities will not be considered (either positively or negatively) in calculating the service score as described in § 1806.203(b)(1).

Section 1806.202 is also modified to clarify the manner in which deposit liabilities will be measured. Deposit liabilities shall be measured by comparing the net change in the amount of applicable funds on deposit between the beginning and end of the Baseline Period and the beginning and end of the Assessment Period.

Section 1806.204 is amended to clarify the manner in which an Applicant should present its application materials if it is merging with another institution during the Assessment Period. In summary, the Applicant (which should be the surviving institution) shall submit materials for it and the institution with which it is merging that describe the Baseline Period activities of each institution. The Applicant shall submit a combined projection of Assessment Period activities of the merged institutions.

Section 1806.206(b)(4) is modified to recognize that some Applicants may be unable to make firm commitments to provide Equity Investments to specific CDFIs prior to the application deadline. In lieu of the requirements described in § 1806.206(b)(4) (which indicate that an Applicant must identify the specific CDFI in which it will invest and the terms and conditions of such investment), the Fund will permit an Applicant to submit: (1) A projection of the total dollar amount of Equity Investments in CDFIs that it expects to make during the Assessment Period; (2) a list of potential investees; and (3) its criteria for making investments.

V. Extension of Comment Period

The Fund hereby extends the deadline for the comment period on the interim regulations published on October 19, 1995 for the CDFI Program and BEA Program until March 15, 1996. The Fund strongly encourages all applicants and other interested parties to submit comments.

List of Subjects

*12 CFR Part 1805*

Banks, banking, Community development, Economic development, Grant programs—community development, Loan programs—community development, Small businesses.

*12 CFR Part 1806*

Banks, banking, Community development, Economic development, Grant programs—community development, Loan programs—community development, Savings associations, Small businesses.

For the reasons set forth in the preamble, Parts 1805 and 1806 of Chapter XVIII of Title 12 of the Code of Federal Regulations are amended as follows:

## PART 1805—COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS PROGRAM

1. The authority citation for Part 1805 continues to read as follows:

Authority: 12 U.S.C. 4703, 4717; chapter X, Pub. L. 104–19, 109 Stat. 237 (12 U.S.C. 4703 note).

2. Section 1805.104(n) is revised to read as follows:

### § 1805.104 Definitions.

* * * * *

(n) *Comprehensive Business Plan* means a document covering not less than the next five years which meets the requirements described under § 1805.701(d);

* * * * *

3. Section 1805.201 is amended by adding a new sentence at the end of the section to read as follows:

### § 1805.201 Certification as a Community Development Financial Institution.

* * * The Fund, at its sole discretion, retains the right to revoke a certification for good cause.

4. Section 1806.600 is amended by adding after the second sentence a new sentence to read as follows:

### § 1805.600 Matching funds—general.

* * * Funds that have been used to satisfy a legal requirement for obtaining funds under another Federal grant or award program cannot be used to satisfy the matching requirements described in this section. * * *

5. Section 1805.604 is added to subpart F to read as follows:

### § 1805.604 Retained earnings.

(a) An Applicant that proposes to meet all or a portion of its matching funds requirements as set forth in this part by committing available earnings retained from its operations pursuant to § 1805.601(c) shall be subject to the restrictions described in this section.

(b)(1) In the case of a for-profit Applicant, retained earnings that can be used for matching funds purposes shall consist of:

(i) The increase in retained earnings (excluding the after-tax value to an Applicant of any grants and other donated assets) that has occurred over the Applicant's most recent fiscal year (e.g., retained earnings at the end of fiscal year 1995 less retained earnings at the end of fiscal year 1994); or

(ii) The annual average of such increases that have occurred over the Applicant's three most recent fiscal years.

(2) Such retained earnings can be used to match a request for an equity investment. The terms and conditions of financial assistance will be determined by the Fund.

(c)(1) In the case of a non-profit Applicant (other than an Insured Credit Union), retained earnings that can be used for matching funds purposes shall consist of:

(i) The increase in an Applicant's fund balance (excluding the amount of any grants and value of other donated assets) that has occurred over the Applicant's most recent fiscal year; or

(ii) The annual average increases in an Applicant's fund balance that has occurred over the Applicant's three most recent fiscal years.

(2) Such retained earnings can be used to match a request for a capital grant. The terms and conditions of financial assistance will be determined by the Fund.

(d)(1) In the case of an Insured Credit Union Applicant, retained earnings that can be used for matching funds purposes shall consist of:

(i) The increase in net capital that has occurred over the Applicant's most recent fiscal year;

(ii) The annual average of increases in net capital that has occurred over the Applicant's three most recent fiscal years; or

(iii) The entire net capital that has been accumulated since the inception of the Applicant provided that the conditions described in paragraph (d)(4) of this section are satisfied.

(2) For the purpose of paragraph (d)(4) of this section, net capital shall be comprised of ''Regular Reserves'', ''Other Reserves'' (excluding reserves specifically dedicated for losses), and ''Undivided Earnings'' as such terms are used in the National Credit Union Administration's accounting manual.

(3) Such retained earnings can be used to match a request for a capital grant. The terms and conditions of financial assistance will be determined by the Fund.

(4) If the option described in paragraph (d)(1)(iii) of this section is used:

(i) An Applicant's performance goals described in § 1805.901(a) shall provide that:

(A) An Awardee increase its member and/or non-member shares by an amount that is at least equal to four times the amount of net capital that is committed as matching funds;

(B) Such increase be achieved within one year of entering into an Assistance Agreement; and

(C) Such increase be maintained for the period of time covered by the Comprehensive Business Plan;

(ii) The Applicant's Comprehensive Business Plan shall discuss its strategy for raising the required shares and the activities associated with such increased shares;

(iii) The level from which the increases in shares described in paragraph (d)(4)(i) of this section will be measured shall be the greater of the level of shares as of:

(A) The end of the calendar year immediately preceding the applicable application deadline; or

(B) The time that an Applicant is selected to receive assistance; and

(iv) Financial assistance shall be disbursed by the Fund only as the amount of shares described in paragraph (d)(4)(i)(A) of this section is increased.

(5) The Fund will allow an Applicant to utilize the option described in paragraph (d)(1)(iii) of this section for matching funds only if it determines, in its sole discretion, that the Applicant will have a high probability of success in increasing its shares to the specified amounts.

(e) An Applicant may only use retained earnings to meet the matching funds requirements if it has liquidity (as determined by the Fund) in amounts that are equal to or greater than the amount of retained earnings that is proposed for use as matching funds. In assessing an Applicant's liquidity for the purposes of this paragraph (e), the Fund may exclude any amounts that it determines are not available to promote an Awardee's performance goals and the purposes of the CDFI Program.

(f) Retained earnings accumulated after the end of the Applicant—s most recent fiscal year ending prior to the appropriate application deadline may not be used as matching funds.

6. Section 1805.701 is amended by revising paragraph (d)(2)(iii) and the

first sentence of paragraph (e)(3) introductory text to read as follows:

**§ 1805.701 Application contents.**

* * * * *

(d) * * *

(2) * * *

(iii) *Financial statements.* (A) An Applicant shall submit:

(*1*) Audited financial statements;

(*2*) Financial statements that have been reviewed by a certified public accountant; or

(*3*) Financial statements that have been reviewed by the Applicant's Appropriate Federal Banking Agency.

(B) All financial statements must utilize accrual based accounting methods. All historic financial statements shall be reported on the basis of the Applicant's fiscal year.

* * * * *

(e) * * *

(3) If an Applicant intends to use retained earnings to meet the matching funds requirements, it shall provide the information described in paragraph (d)(2)(iii) of this section and a copy of its tax returns for the same period, or, in the case of an Insured Credit Union, a copy of its most recent Form 5300 that has been submitted to the National Credit Union Administration. * * *

* * * * *

## PART 1806—BANK ENTERPRISE AWARD PROGRAM

1. The authority citation for Part 1806 continues to read as follows:

Authority: 12 U.S.C. 4703, 4717; chapter X, Pub. L. 104–19, 109 Stat. 237 (12 U.S.C. 4703 note).

2. Section 1806.103 is amended by adding a new paragraph (dd) to read as follows:

**§ 1806.103 Definitions.**

* * * * *

(dd) *Investment* means, for the purpose of § 1806.201(b)(4)(xiv), the purchase of stock, limited partnership interest, or other ownership instrument, or a grant in a commercial real estate, single family housing, multi-family housing, business or agriculture project or activity.

3. Section 1806.200(b)(2)(ii) is revised to read as follows:

**§ 1806.200 Community eligibility and designation.**

* * * * *

(b) * * *

(2) * * *

(ii) The unemployment rate is at least 1.5 times greater than the national average, as determined by the U.S. Bureau of Labor Statistics' most recent data (including estimates of census tract unemployment developed using the Bureau of Labor Statistics' Census Share calculation method).

* * * * *

4. Section 1806.201 is amended by revising paragraph (b)(2), removing ''and'' at the end of paragraph (b)(4)(xii), removing the period at the end of paragraph (b)(4)(xiii)(B) and adding in its place ''; and'', and adding a new paragraph (b)(4)(xiv) to read as follows:

**§ 1806.201 Qualified activities.**

* * * * *

(b) * * *

(2) *Service.* The Eligible Development Activities listed in paragraphs (b)(4)(i) through (vii) and (b)(4)(xiv) of this section must serve a Distressed Community. An activity is considered to serve a Distressed Community if it is:

(i) Undertaken in the Distressed Community; or

(ii) Provided to Low and Moderate Income Residents or enterprises integrally involved in the Distressed Community.

* * * * *

(4) * * *

(xiv) Investments (the same priority factor and reported in the category of Eligible Development Activity described in paragraphs (b)(4)(ii) through (vii) of this section that most accurately describes the type project or activity in which an Investment is made (e.g., an Investment in a multi-family housing project should be reported under Multi-family Loans)).

5. Section 1806.202 is amended by revising paragraph (a), removing ''and'' at the end of paragraph (d)(2), removing the period at the end of paragraph (d)(3) and adding ''; and'' in its place, and adding new paragraphs (b)(4) and (d) to read as follows:

**§ 1806.202 Measuring activities.**

(a) *General.* Qualified Activities shall be measured by comparing the Qualified Activities carried out during the Baseline Period with the Qualified Activities projected to be carried out during the Assessment Period. Increases in the values of Qualified Activities between the Baseline and Assessment Periods will be used in determining award amounts. Applicants shall report their activities in all categories of Qualified Activities for the Baseline and Assessment Periods. At its option, an Applicant may select not to report its deposit liabilities as described in § 1806.201(b)(4)(viii). In such a case, an Applicant's deposit liabilities will not be considered in calculating the service score pursuant to § 1806.203(b)(1). The dates of the Baseline and Assessment Periods will be published in the NOFA for each funding round.

(b) * * *

(4) Investments at the original amount of the purchase of stock, limited partnership interest, other ownership interest, or grant.

* * * * *

(d) *Deposit liabilities.* (1) Deposit liabilities shall be measured by comparing the net change in the amount of applicable funds (as described in § 1806.201(b)(4)(viii)) on deposit at the Applicant institution during the periods described in paragraphs (d)(2) and (d)(3) of this section.

(2) An Applicant shall measure the net change in deposit liabilities during the Baseline Period by comparing the amount of applicable funds on deposit at the close of business the day before the beginning of the Baseline Period and at the close of business on the last day of the Baseline Period.

(3) An Applicant shall measure the net change in deposit liabilities during the Assessment Period by comparing the amount of applicable funds on deposit at the close of business the day before the beginning of the Assessment Period and at the close of business on the last day of the Assessment Period.

7. Section 1806.206 is amended by revising paragraphs (b)(1) and (b)(4) to read as follows:

**§ 1806.206 Applications for Bank Enterprise Awards.**

* * * * *

(b) * * *

(1) A completed Bank Enterprise Award Rating and Calculation worksheet (If an Applicant intends to complete a merger with another institution during the Assessment Period, it shall submit a separate Baseline Period worksheet for each subject institution and one Assessment Period worksheet that represents the projected activities of the merged institutions. If such a merger is unexpectedly delayed beyond the end of the Assessment Period, the Fund reserves the right to withhold distribution of an award until the merger has been completed.);

* * * * *

(4) If applicable:

(i) A narrative description of each CDFI that the Applicant proposes to provide an Equity Investment in and the amount, terms, and conditions of the investment; or

(ii)(A) A projection of the aggregate dollar amount of Equity Investments it proposes to make during the Assessment Period;

(B) A list of potential investees; and

(C) A description of its investment criteria;

* * * * *

Dated: January 17, 1996.

Kirsten S. Moy,

*Director, Community Development Financial Institution Fund.*

[FR Doc. 96–745 Filed 1–22–96; 8:45 am]

**BILLING CODE 4810–70–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 96–NM–01–AD; Amendment 39–9492; AD 96–01–51]**

## Airworthiness Directives; Boeing Model 747–100 and –200 Series Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA2322SO or SA4227NM–D.

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) T96–01–51 that was sent previously to all known U.S. owners and operators of certain Boeing Model 747–100 and –200 airplanes by individual telegrams. This AD requires repetitive inspections of the latch safety pins of the main deck side cargo door to ensure that the door is securely latched and locked; it also requires deactivation of certain panel lights and installation of a placard to indicate such deactivation. This amendment is prompted by a report of a malfunction of the safety interlock system of the main deck side cargo door on one airplane. The actions specified by this AD are intended to prevent such malfunctions, which could result in the opening of the main deck side cargo door while the airplane is in flight, and subsequent rapid decompression of the airplane.

**DATES:** Effective January 29, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96–01–51, issued January 3, 1996, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before March 25, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–01–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information pertinent to this rulemaking action may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia.

**FOR FURTHER INFORMATION CONTACT:** Randy Avera, Aerospace Engineer, Systems and Equipment Branch, ACE–130A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7381; fax (404) 305–7348.

**SUPPLEMENTARY INFORMATION:** The FAA has recently received a report that the flightcrew on a Boeing Model 747–100 series airplane noted an abnormal cabin altitude rate of climb. Although the pressurization vent door light was not illuminated (which signified to the flightcrew that the door was closed and locked), the flightcrew was unable to pressurize the airplane. The flightcrew also noted that the main deck side cargo door ''DOOR UNLOCKED'' light illuminated shortly after takeoff. Investigation revealed that 11 of the 12 latches on the main deck side cargo door were unlatched and unlocked. However, the pressurization vent door was closed and locked; this would signify that a malfunction of the safety interlock system had occurred.

A properly functioning safety interlock system electro-mechanically prevents the pressurization vent door from closing until all of the latches are in the fully latched and locked position. If the pressurization vent door is not closed, the airplane cannot be pressurized.

Although the original cause of the failure to properly latch the door may be attributable to human error, the purpose of the interlock system is to ensure that such errors are detected so that the airplane cannot be pressurized unless the main deck side cargo door is properly latched and locked. Malfunction of the safety interlock system of the main deck side cargo door, if not corrected, could result in an in-flight opening of the main deck side cargo door, and subsequent rapid decompression of the airplane.

The airplane in the reported incident was a Model 747–100 series airplane that had been modified in accordance with Supplemental Type Certificate (STC) SA2322SO. The modification entailed the installation of a main deck side cargo door as part of a conversion of the airplane from a passenger configuration to a special freighter configuration.

Since STC SA2322SO for Model 747–100 series airplanes is similar in design to STC SA4227NM–D for Model 747–200 series airplanes, the FAA has determined that the unsafe condition may also exist on a MODEL 747–200 series airplane that has been modified in accordance with STC SA4227NM–D. (Likewise, that STC entails the conversion of a Model 747–200 series airplane from a passenger configuration to a special freighter configuration.)

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued Telegraphic AD T96–01–51 to prevent malfunction of the safety interlock system of the main deck cargo door, which could result in the opening of the main deck side cargo door during flight, and subsequent rapid decompression of the airplane. The AD requires repetitive inspections of the latch safety pins of the main deck side cargo door to ensure that the door is securely latched and locked. The AD also requires deactivation of the ''LATCHES UNLOCKED'' light at the door operating panel, and the ''DOOR UNLOCKED'' light at the flight engineer (F/E) panel; as well as the fabrication and installation of a placard to indicate that the ''DOOR UNLOCK'' light at the F/E panel has been deactivated. These actions are required to be accomplished in accordance with a method approved by the FAA.

The AD also provides for the termination of these requirements following accomplishment of a modification that positively addresses the identified unsafe condition and that has been approved by the FAA.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on January 3, 1996, to all known U.S. owners and operators of the affected Boeing Model 747–100 and –200 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–01–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

96–01–51 Boeing: Amendment 39–9492. Docket 96–NM–01–AD.

*Applicability:* Model 747–100 series airplanes having serial numbers 19637, 19638, 19642, 19647, 19648, 19657, 19725, 20320, and 20347, that have been modified in accordance with Supplemental Type Certificate (STC) SA2322SO; and Model 747–200 series airplane having serial number 20010 that has been modified in accordance with STC SA4227NM-D; 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 malfunction of the safety interlock system of the main deck cargo door and subsequent rapid decompression of the airplane due to in-flight opening of the main deck side cargo door, accomplish the following:

(a) Notwithstanding the requirements of paragraph E. of AD 90–09–06, amendment 39–6581, within 3 days after the effective date of this AD, deactivate the ''LATCHES UNLOCKED'' light at the door operating panel and the ''DOOR UNLOCKED'' light at the flight engineer (F/E) panel; and fabricate and install placards; in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(b) Within 3 days after the effective date of this AD, accomplish the requirements of paragraphs (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), AND (b)(6) of this AD. Repeat these procedures thereafter prior to each flight. These procedures must be performed by properly trained and qualified maintenance personnel.

(1) Close the main deck side cargo door in accordance with normal operations procedures.

(2) Unscrew, lift, and secure the door lower access panels in the ''UP'' position.

(3) Perform a visual inspection of all 12 latch and lock arms to ensure that they are overcenter in the ''LOCKED'' position and that all alignment marks line-up correctly.

(4) Perform a detailed visual inspection to ensure that the ten photo scanner alignment holes in latches 2 through 11 have no obstructions.

(i) Counting forward to aft, install pins in photo scanner alignment holes in latch assemblies 2 through 11. The safety pins must engage the lock arm and latch arm lever, and go completely through the latch assembly.

(ii) All latch safety pins must be fastened together with a safety cable, and the safety cable must be attached to the main deck door sill protector.

(iii) Lower and secure the lower access panels in place.

(iv) Open circuit breaker HC5, located on P–10, main power center-left.

(5) To close the pressure vent door on the main deck side cargo door, accomplish paragraphs (b)(5)(i), (b)(5)(ii), (b)(5)(iii), AND (b)(5)(iv) of this AD:

(i) Remove pressure vent door cover;

(ii) Manually retract the two solenoid valves to allow pressure vent door closure;

(iii) Close pressure vent door; and

(iv) Replace vent door cover.

(6) All safety pins must be removed before opening or operating cargo door.

(c) Accomplishment of a modification in accordance with a method approved by the Manager, Atlanta ACO, FAA, Small Airplane Directorate, constitutes terminating action for the requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO, FAA, Small 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, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Atlanta ACO.

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

(f) This amendment becomes effective on January 29, 1996, to all persons except those persons to whom it was made immediately effective by telegraphic AD T96–01–51, issued on January 3, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on January 17, 1996.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96–845 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–13–P**

## 14 CFR Part 71

**[Airspace Docket No. 95–ASO–24]**

## Amendment to Class E Airspace; Jasper, GA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment modifies the Class E airspace area at Jasper, GA, to accommodate a NDB RWY 04 Standard Instrument Approach Procedure (SIAP) at Canton, GA, for the Cherokee County Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

**EFFECTIVE DATE:** 0901 UTC, April 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

**SUPPLEMENTARY INFORMATION:**

History

On November 24, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying Class E airspace at Jasper, GA (60 FR 58021). This action would provide adequate Class E airspace for IFR operations at the Cherokee County Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1996. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies Class E airspace at Jasper, GA, to accommodate a NDB RWY 04 SIAP and for IFR operations at Canton, GA, for the Cherokee County Airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

## PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.*

* * * * *

ASO GA E5 Jasper, GA [Revised]

Jasper/Pickens County Airport, GA
(lat. 34°27′05″ N, long. 84°27′24″ W)
Canton/Cherokee County Airport
(lat. 34°18′38″ N, long. 84°25′26″ W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Jasper/Pickens County Airport and within a 8.5-mile radius of the Canton/Cherokee County Airport.

* * * * *

Issued in College Park, Georgia, on January 9, 1996.

Benny L. McGlamery,

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 96–849 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–13–M**

## 14 CFR Part 71

**[Airspace Docket No. 96–ASO–1]**

## Removal of Class D and E2 Airspace; Lawrenceville, GA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment removes Class D and E2 airspace at Lawrenceville, GA. A non-federal control tower being constructed at the Lawrenceville/Gwinnett County-Briscoe Field Airport, due to be opened in November, 1995, has been delayed indefinitely. Therefore, the Class D and E2 surface area airspace for the airport must be revoked.

**EFFECTIVE DATE:** 0901 UTC, April 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

**SUPPLEMENTARY INFORMATION:**

History

Class D and E2 surface area airspace at Lawrenceville, GA, were established to support the planned opening of a non-federal control tower at the Lawrenceville/Gwinnett County-Briscoe Field Airport. Due to construction problems, the opening has been delayed indefinitely. Therefore, the Class D and E2 airspace are not necessary. This rule will become effective on the date specified in the **DATES** section. Since this action removes the Class D and E2 surface area airspace, and as a result, eliminates the impact of Class D and E2 airspace on users of the airspace in the vicinity of the Lawrenceville/Gwinnett

County-Briscoe Field Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) removes Class D and E2 airspace at Lawrenceville, GA. A non-federal control tower being constructed at the Lawrenceville/Gwinnett County-Briscoe Field Airport, due to be opened in November, 1995, has been delayed indefinitely. Therefore, the Class D and E2 surface area airspace established to support the control tower at the airport must be revoked.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

## PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 5000 Class D Airspace*

* * * * *

ASO GA D Lawrenceville, GA [Removed]

* * * * *

*Paragraph 6002 Class E airspace areas designated as a surface area for an airport*

* * * * *

ASO GA E2 Lawrenceville, GA [Removed]

* * * * *

Issued in College Park, Georgia, on January 11, 1996.

Benny L. McGlamery,

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 96–897 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–13–M

## 14 CFR Part 71

**[Airspace Docket No. 95–ANM–16]**

## Amendment of Class E Airspace; Ogden, UT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Ogden, Utah, Class E airspace to accommodate new holding fixes for air traffic associated with the commissioning of the new runway at Salt Lake City International Airport, Salt Lake City, Utah. The amendment brings publications up-to-date giving continuous information to the aviation public.

**EFFECTIVE DATE:** 0901 UTC, February 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** James Riley, ANM–537, Federal Aviation Administration, Docket No. 95–ANM–16, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone number: (206) 227–2537.

**SUPPLEMENTARY INFORMATION:**

History

On September 29, 1995, the FAA proposed to amend part 71 of Federal Aviation Regulations (14 CFR part 71) by amending the Salt Lake City, Utah, Class E airspace designation (60 FR 50506). Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace is published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995 which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations amends Class E airspace at Ogden, Utah. The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, 14 CFR part 71 is amended as follows:

## PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389, 14 CFR 11.69.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005–Class E airspace areas extending upward from 700 feet or more above the surface of the earth*

* * * * *

ANM UT E5 Ogden, UT [Revised]

Ogden-Hinckley Field, UT

(lat. 41°11′46″ N, long. 112°00′44″ W)

Ogden VORTAC

(lat. 41°13′27″ N, long. 112°05′54″ W)

That airspace extending upward from 700 feet above the surface bounded on the north by lat. 41°27′00″ N, on the east by long. 111°55′03″ W, on the south by lat. 41°00′00″ N, and on the west by long. 112°22′03″ W, and within 4 miles southwest and 8.3 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 16.1 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 111°50′03″ W, on the south by lat. 41°00′00″ N, on the west by long. 112°45′03″ W, and on the north by the south boundary of V–288,

that airspace west of Ogden bounded on the south and west by the Wendover Airport, UT, Class E airspace area, on the north by V–6 and on the east by long. 112°45′03″ W, that airspace west of Ogden bounded on the east by long. 112°45′03″ W, on the south by V–6 and on the north by V–288, that airspace northwest of Ogden within 8.7 miles southwest of the Ogden VORTAC 316° radial extending from the north boundary of V–288 to 54.9 miles northwest of the VORTAC, that airspace northwest of Ogden bounded on the southwest by V–101, on the northwest by C–142–464, and on the east by V–257 that airspace north of Ogden within 8.7 miles west and 6.1 miles east of Ogden VORTAC 345° radial extending from the north boundary of V–288 to 36.6 miles north of the VORTAC, excluding that airspace within the 1,200-foot floor of the Logan, UT, Class E airspace area; that airspace east of Ogden extending upward from 10,500 feet MSL bounded on the north by V–288, on the south by V–6 and on the west by long. 111°50′03″ W, and that airspace bounded on the north by V–6, on the southeast by V–32, on the south by lat. 41°00′00″ N, and on the west by long. 111°50′03″ W; that airspace extending upward from 8.500 feet MSL bounded on the north by the intersection of V–484 and V–465, east along V–465 to V–101, southeast along V–101, southeast along V–101 to V–288, west along V–288 to V–484, northwest along V–484 to the point of beginning, excluding the 1,200-foot floor of the Ogden-Hinckley, UT, Class E airspace areas and that airspace within the confines of Federal airways.

* * * * *

Issued in Seattle, Washington, on December 19, 1995.

Richard E. Prang,

*Acting Assistance Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 96–850 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–13–M

## CONSUMER PRODUCT SAFETY COMMISION

## 16 CFR Part 1000

## Commission Organization and Functions

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is revising its statement of organization and functions to reflect the elimination of the Directorate for Epidemiology and the transfer of its functions to the renamed Directorate for Epidemiology and Health Sciences, to the Directorate for Engineering Sciences, and to the Office of Information Systems.

**EFFECTIVE DATE:** January 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 301-504-0980.

**SUPPLEMENTARY INFORMATION:**

The sections describing the Directorate for Engineering Sciences, the Office of Information Services, and the former Directorates for Health Sciences and Epidemiology have been amended to reflect the transfer of functions from the former Directorate for Epidemiology. The injury data collection and analysis functions from the former Directorate for Epidemiology have been transferred to the new Directorate for Epidemiology and Health Sciences; the human factors research functions have been transferred to the Directorate for Engineering Sciences; and the National Injury Information Clearinghouse has been transferred to the Office of Information Services. Editorial changes have been made to the description of the Directorate for Engineering Sciences.

In addition, for consistency with section 1000.12, the Directorate for Laboratory Sciences has been added in section 1000.21 to the list of organizations over which the Assistant Executive Director for Hazard Identification and Reduction has line authority.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553(b), notice and other public procedures are not required and it is effective immediately on the specified effective date. Further, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612 and, thus, is exempt from the provisions of the Act.

List of Subjects in 16 CFR Part 1000

Organization and functions (government agencies).

Accordingly, 16 CFR part 1000 is amended as follows:

## PART 1000—[AMENDED]

1. The authority citation for part 1000 continues to read as follows:

Authority: 5 U.S.C. 552(a).

2. Section 1000.12 is revised to read as follows:

### § 1000.12 Organizational structure.

The Consumer Product Safety Commission is composed of the principal units listed in this section.

(a) The following units report directly to the Chairman of the Commission:

(1) Office of the General Counsel;

(2) Office of Congressional Relations;

(3) Office of the Secretary;

(4) Office of the Inspector General;

(5) Office of Equal Employment Opportunity and Minority Enterprise;

(6) Office of the Executive Director.

(b) The following units report directly to the Executive Director of the Commission:

(1) Office of the Budget;

(2) Office of Hazard Identification and Reduction;

(3) Office of Information and Public Affairs;

(4) Office of Compliance;

(5) Office of Planning and Evaluation;

(6) Office of Human Resources Management;

(7) Office of Information Services;

(8) Directorate for Administration;

(9) Directorate for Field Operations.

(c) The following units report directly to the Assistant Executive Director for Hazard Identification and Reduction:

(1) Directorate for Economic Analysis;

(2) Directorate for Epidemiology and Health Sciences;

(3) Directorate for Engineering Sciences;

(4) Directorate for Laboratory Sciences.

3. Section 1000.26 is revised to read as follows:

### § 1000.26 Office of Information Services.

The Office of Information Services, which is managed by the Assistant Executive Director for Information Services, is responsible for general policy, controlling and conducting managerial activities and operations relating to the collection, use, and dissemination of information by the agency. The Office manages the Commission's information system that supports all its program activities. The Office provides automated data processing and operational support for data collection, information retrieval, report generation, electronic mail, and statistical and mathematical operations of the agency. The Office maintains the agency's local and wide area networks and develops and supports other network applications. The Office develops plans for improving agency operations through the use of information technology. The Office's functional responsibilities include planning, organizing, and directing information resources management (including records management and related requirements), and the managing of the agency's management directives system. The Office administers the Commission's telecommunications services including the agency's toll-free Hotline by which the public reports hazardous consumer products and receives information about product recalls and product hazards. It also oversees operation of the Commission's Internet and fax-on-demand services. It administers the National Injury Information Clearinghouse.

4. Section 1000.27 is revised to read as follows:

**§ 1000.27 Directorate for Epidemiology and Health Sciences.**

The Directorate for Epidemiology and Health Sciences, which is managed by the Associate Executive Director for Epidemiology and Health Sciences, is responsible for injury analysis to identify and document information on consumer-product related hazards or hazard patterns, and for developing and implementing health science policies and programs. The Directorate collects data on consumer product-related hazards and potential hazards, determines the frequency, severity, and distribution of the various types of injuries, and investigates their causes. It collects health science, exposure, and medical data; reviews and evaluates toxicological, physiological, medical and chemical-related hazards; and determines exposure, uptake and metabolism, including information on population segments at risk. It assesses the effects of product safety standards and programs on consumer injuries and conducts epidemiological and health studies and research in the field of consumer product-related injuries. The Directorate performs risk assessments for chemical, physiological and physical hazards based on methods such as medical injury modeling and on injury and incident data for mechanical, thermal, chemical and electrical hazards in consumer products. The Directorate provides statistical support for other Commission organizations including, but not limited to, standards development, certification programs, and sampling for field inspection programs. It maintains and manages the National Electronic Injury Surveillance System (NEISS). It provides the Commission's primary source of technical expertise for implementation of the Poison Prevention Packaging Act. The Directorate assists in the development and evaluation of product safety standards and test methods based on the chemical, biological and medical, statistical and epidemiological sciences. It provides support to the Commission's regulatory development and enforcement activities. It manages hazard identification and analysis and hazard assessment and reduction projects as assigned. The Directorate provides liaison with the National Toxicology Program, the Department of Health and Human Services, the Occupational Health and Safety Administration, the Environmental Protection Agency, the Centers for Disease Control, other federal agencies and programs, and other organizations concerned with reducing the risk to consumers from exposure to all the hazards the Commission must address.

5. Section 1000.29 is revised to read as follows:

**§ 1000.29 Directorate for Engineering Sciences.**

The Directorate for Engineering Sciences, which is managed by the Associate Executive Director for Engineering Sciences, is responsible for developing technical policy for and implementing the Commission's engineering programs. The Directorate manages hazard assessment and reduction projects as assigned by the Office of Hazard Identification and Reduction; provides engineering technical support and product safety assesments for the Office of Compliance; provides engineering, scientific, and technical expertise to the Commission and Commission staff as requested; and provides engineering technical support to other Commission organizations, activities, and programs as needed. The Directorate develops and evaluates product safety standards, product safety tests and test methods, performance criteria, design specifications, and quality control standards for consumer products, based on engineering and scientific methods. It conducts engineering analysis and testing of the safety of consumer products, and evaluates and participates in the development of mandatory and voluntary standards for consumer products including engineering and human factors analyses in support of standards development and product compliance testing. The Directorate performs or monitors research for consumer products in a broad array of engineering disciplines including chemical, electrical, fire protection, human factors, and mechanical engineering. It conducts and coordinates engineering research, testing, and evaluation activities with other federal agencies, private industry, and consumer interest groups. The Directorate conducts human factors studies and research of consumer product related injuries, including evaluations of labels, signs and symbols, instructions, and other measures intended to address the human component of injury prevention. The Directorate provides technical supervision and direction of engineering activities including tests and analyses conducted in the field.

6. Section 1000.30 is removed and reserved.

7. Section 1000.32 is revised to read as follows:

**§ 1000.32 Directorate for Administration.**

The Directorate for Administration, which is managed by the Associate Executive Director for Administration, is responsible for formulating general administrative policies supporting the Commission in the areas of financial management, procurement, and general administrative support services including property and space management, physical security, printing, and warehousing. The Directorate is responsible for the payment, accounting, and reporting of all expenditures within the Commission and for operating and maintaining the Commission's accounting system and subsidiary Management Information System which allocates staff work time and costs to programs and projects.

8. In section 1000.21, the second sentence is revised to read as follows:

**§ 1000.21 Office of Hazard Identification and Reduction.**

* * * ''The Office reports to the Executive Director, and has line authority over the Directorates for Epidemiology and Health Sciences, Economic Analysis, Engineering Sciences, and Laboratory Sciences.'' * * *

Sadye E. Dunn,

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 96–756 Filed 1–22–96; 8:45 am]

BILLING CODE 6355–01–F

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 11 and 140

### Delegations of Authority

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** Notice is hereby given that the Commodity Futures Trading Commission has revised certain provisions of the Commission's Regulations to expand or revise delegations of authority previously delegated either exclusively to the Director of the Division of Enforcement or to the Director and the former Deputy Directors of the Division of Enforcement.

**EFFECTIVE DATE:** January 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Nancy L. Walsh, Attorney, Division of Enforcement, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5330.

**SUPPLEMENTARY INFORMATION:** Commission Regulations have been amended to reflect the fact that certain authority previously delegated exclusively to the Director and/or the former Deputy Directors of the Division of Enforcement has been delegated to the Division's Deputy Directors, Program Coordinator, Chief Counsel, Associate Directors, and/or Regional Counsel, and the Commission's Regional Directors as well.

List of Subjects

*17 CFR Part 11*

Administrative practice and procedure, Commission Rules of Practice, Investigations.

*17 CFR Part 140*

Authority delegations, Organization and functions.

## PART 11—[AMENDED]

1. The authority citation for part 11 continues to read as follows:

Authority: 7 U.S.C. 4a(j), 9 and 15, 12, 12a(5), unless otherwise noted.

### § 11.2 [Amended]

2. Section 11.2, paragraph (b) is amended by revising the phrase ''to the Director of the Division of Enforcement the authority to grant to any Commission employee under his direction'' to read ''to its Regional Directors and to the Director, the Deputy Directors, the Program Coordinator, the Chief Counsel, the Associate Directors, and the Regional Counsel of the Division of Enforcement the authority to grant to any employee of the Division of Enforcement''.

### § 11.7 [Amended]

3. Section 11.7, paragraph (a) is amended by revising the phrase ''the express approval of the Director of the Division of Enforcement; his approval shall not be given unless it has been shown to the satisfaction of the Division Director'' to read ''the express approval of either the Director, a Deputy Director, the Program Coordinator, the Chief Counsel, an Associate Director, or a Regional Counsel of the Division of Enforcement, or a Regional Director of the Commission; approval shall not be given unless it has been shown''.

Appendix A to Part 11—[Amended]

4. Appendix A to Part 11 is amended by revising the phrase ''Unless otherwise provided for by the Director of the Division'' to read ''Unless otherwise provided for by either the Director, a Deputy Director, the Program Coordinator, the Chief Counsel, an Associate Director, or a Regional Counsel of the Division, or a Regional Director of the Commission''.

## PART 140—[AMENDED]

5. The authority citation for part 140 continues to read as follows:

Authority: 7 U.S.C. 4a and 12a.

### § 140.72 [Amended]

6. Section 140.72, paragraph (a) is amended by revising the phrase ''the Director of the Division of Enforcement, each Deputy Director of the Division of Enforcement'' to read ''the Director of the Division of Enforcement, each Deputy Director of the Division of Enforcement, the Program Coordinator of the Division of Enforcement, each Associate Director of the Division of Enforcement, the Chief Counsel of the Division of Enforcement''.

### § 140.73 [Amended]

7. The heading of § 140.73 is revised to read ''Delegation of authority to disclose information to United States, States, and foreign government agencies and foreign futures authorities.''

8. Section 140.73, paragraph (a) introductory text is amended by revising the phrase ''the Director of the Division of Enforcement, and in his or her absence to each Deputy Director of the Division'' to read ''the Director of the Division of Enforcement, each Deputy Director of the Division of Enforcement, the Program Coordinator of the Division of Enforcement, the Chief Counsel of the Division of Enforcement, each Associate Director of the Division of Enforcement''.

9. Section 140.73(a)(3) is amended by revising the phrase ''Any department or agency of any foreign government or any political subdivision thereof'' to read ''Any foreign futures authority, as defined in section 1a(10) of the Act, or any department or agency of any foreign government or political subdivision thereof'' and by revising the phrase ''to which such foreign government or political subdivision or any department or agency thereof is a party'' to read ''to which such foreign government or political subdivision or any department or agency thereof, or foreign futures authority is a party''.

The foregoing rules are effective January 23, 1996. The Commission finds that the rules relate solely to agency management and personnel, and that the rulemaking requirements of the Administrative Procedure Act, as codified, 5 U.S.C. 553, do not apply.

Issued in Washington, DC, on January 11, 1996.

Jean A. Webb,

*Secretary to the Commission.*

[FR Doc. 96–753 Filed 1–22–96; 8:45 am]

**BILLING CODE 6351–01–M**

## 17 CFR Part 30

## Foreign Option Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Order.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is authorizing option contracts on the Nikkei 300 stock index futures contract traded on the Singapore International Monetary Exchange Limited (SIMEX) to be offered or sold to persons located in the United States. This Order is issued pursuant to: (1) Commission rule 30.3(a), 17 CFR 30.3(a), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States; and (2) the Commission's Order issued on July 20, 1988, 53 FR 28826 (July 29, 1988), authorizing certain option products traded on SIMEX to be offered or sold in the United States.

**EFFECTIVE DATE:** February 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Robert Rosenfeld, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–8955.

**SUPPLEMENTARY INFORMATION:** The Commission has issued the following Order:

United States of America Before the Commodity Futures Trading Commission

*Order Under Commission Rule 30.3(a) Permitting Option Contracts on the Nikkei 300 Stock Index Futures Contract Traded on the Singapore International Monetary Exchange Limited To Be Offered or Sold in the United States Thirty Days After Publication of This Notice in the Federal Register Absent Further Notice*

By Order issued on July 20, 1988 (Initial Order), the Commission authorized, pursuant to Commission rule 30.3(a),[1] certain option products

[1] Commission rule 30.3(a), 17 CFR 30.3(a), makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States.

traded on the Singapore International Monetary Exchange Limited (SIMEX) to be offered or sold in the United States. 53 FR 28826 (July 29, 1988). Among other conditions, the Initial Order specified that:

> Except as otherwise permitted under the Commodity Exchange Act and regulations thereunder, * * * no offer or sale of any SIMEX option product in the United States shall be made until thirty days after publication in the Federal Register of notice specifying the particular option(s) to be offered or sold pursuant to this Order.

By letter dated June 15, 1994, SIMEX through its counsel represented that it would be introducing an option contract based on the Nikkei 300 Stock Index futures contract. SIMEX has requested that the Commission supplement its Initial Order and subsequent Orders [2] authorizing options on the Eurodollar, Japanese Yen, Deutsche Mark, 3-Month Euroyen Interest Rate, Nikkei Stock Average and Long-Term Japanese Government Bond futures contracts by also authorizing SIMEX's option contracts on the Nikkei 300 Stock Index futures contract to be offered or sold to persons in the United States. Upon due consideration, and for the reasons previously discussed in the Initial Order, the Commission believes that the request for authorization to offer or sell option contracts on the Nikkei 300 Stock Index futures contract [3] should be granted.

Accordingly, pursuant to Commission rule 30.3(a) and the Commission's Initial Order issued on July 20, 1988, and subject to the terms and conditions specified therein, the Commission hereby authorizes SIMEX's option contracts on the Nikkei 300 Stock Index futures contract to be offered or sold to persons located in the United States thirty days after publication of this Order in the Federal Register, unless prior to that date the Commission receives any comments which may result in a determination to delay the effective date of the Order pending review of such comments. Under such circumstances the Commission will provide notice.

Contract Specifications

*Options on Nikkei 300 Stock Index Futures Contract*

Underlying Interest

One (1) SIMEX Nikkei 300 stock index futures contract.

Contract Months

Options available on three (3) serial months and five quarterly months in the March, June, September and December cycle.

Trading Hours

8:00 a.m. to 10:15 a.m. (Singapore time)
11:15 a.m. to 2:15 p.m. (Singapore time)

Minimum Price Fluctuation (Tick Size and Value)

0.1 point of Nikkei Stock Index 300 (also known as one tick)=¥1,000 per contract.

Strike Prices

Strike prices are set in integer multiples of 5 points on the Nikkei Stock Index 300. 15 strike prices are set at 5 point intervals above and 15 strike prices at 5 point intervals below an at-the-money strike (*i.e.*, a total of 31 strike prices). Additional strike prices will be established as the underlying Nikkei Stock Index 300 futures price rises or falls.

Exercise

American style, *i.e.*, buyers of futures options may exercise their options on any business day when the option is traded.

In the absence of contrary instructions delivered to the clearing house, an option in the March quarterly cycle will be exercised automatically on the day of determination of the final settlement price.

An in-the-money option that expires in a month other than those in the March quarterly cycle will be exercised automatically on the day of termination of trading.

An option in the March quarterly cycle is in-the-money if the final settlement price of the underlying futures contract is above the exercise price in the case of a call, or is below the exercise price in the case of a put.

An option that expires in a month other than those in the March quarterly cycle is in-the-money if the settlement price of the underlying futures contract at the termination of trading is above the exercise price in the case of a call, or is below the exercise price in the case of a put.

Last Trading Day

The last trading day is the business day before the second Friday of the contract month.

Minimum Margin Requirements

The SPAN margining system shall be applicable to the margining of options on the Nikkei 300 stock index futures contract.

Position Limits

3,000 futures-equivalent contracts net long or net short in all contract months combined. Positions will be aggregated with open positions in the underlying Nikkei Stock Index 300 futures contract.

Trading Halts

There will be no trading in any options contract when the SIMEX Nikkei Stock Index 300 futures contract is bid or offered:

(1) At its initial daily price limit; or

(2) At its expanded daily price limit, except that the above provisions shall not apply on an option's last day of trading.

List of Subjects in 17 CFR Part 30

Commodity futures, Commodity options, Foreign transactions.

Accordingly, 17 CFR Part 30 is amended as set forth below:

## PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for Part 30 continues to read as follows:

> Authority: Secs. 2(a)(1)(A), 4, 4C, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Appendix B to Part 30 is amended by adding the following entry after the existing entries for the ''Singapore International Monetary Exchange Limited'' to read as follows:

[2] *See* 59 FR 27233 (May 26, 1994); 57 FR 2675 (January 23, 1992); and 55 FR 26428 (June 28, 1990).

[3] On February 23, 1995, the Commission's Office of the General Counsel issued a no-action letter permitting SIMEX futures contracts based on the Nikkei 300 Stock Index to be offered or sold in the United States.

APPENDIX B.—OPTION CONTRACTS PERMITTED TO BE OFFERED OR SOLD IN THE U.S. PURSUANT TO § 30.3(a)

| Exchange | Type of contract | FR date and citation |
|---|---|---|
| * * * * * * * | * * * * * * * | * * * * * * * |
| Singapore International Monetary Exchange Limited. | Option Contracts on the Nikkei 300 Stock Index Futures Contract. | 199___; ___ FR ___ |
| * * * * * * * | * * * * * * * | * * * * * * * |

Issued in Washington, D.C. on January 16, 1996.

Jean A. Webb,

*Secretary to the Commission.*

[FR Doc. 96–754 Filed 1–22–96; 8:45 am]

**BILLING CODE 6351–01–M**

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 416

**[Regulations No. 16]**

**RIN 0960–AD36**

## Supplemental Security Income for the Aged, Blind, and Disabled; Income and Resources; Victims' Compensation Payments and Relocation Assistance Exclusions

**AGENCY:** Social Security Administration.

**ACTION:** Final rules.

**SUMMARY:** These final rules exclude from income and resources under the supplemental security income (SSI) program, payments received by an individual (or spouse) from a fund established by a State to aid victims of crime and certain relocation assistance received from a State or local government.

**EFFECTIVE DATE:** These rules will become effective February 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Harry J. Short, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–6243.

**SUPPLEMENTARY INFORMATION:** Section 1612(b) of the Social Security Act (the Act), as amended by sections 5031 and 5035 of Pub. L. 101–508, effective May 1, 1991, excludes from income under the SSI program payments received by an individual (or spouse) from a fund established by a State to aid victims of crime, and relocation assistance provided by a State or local government which is comparable to assistance provided under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Sections 5031 and 5035 also amended section 1613(a) of the Act to exclude these payments and assistance from resources for a period of 9 months beginning with the month following the month in which they are received. However, with respect to victims' compensation payments under section 5031, the resource exclusion applies to the extent that the payments were made as compensation for expenses incurred or losses suffered as a result of a crime. In addition, section 5031 amended section 1631(a) of the Act to provide that benefits under title XVI shall not be denied to any individual solely by reason of the refusal of the individual to accept an amount offered as compensation for a crime of which the individual was a victim. Section 13732 of Public Law 103–66 (the Omnibus Budget Reconciliation Act of 1993) amended section 5035 of Pub. L. 101–508 by making permanent the exclusion of relocation assistance which originally was set to expire on April 30, 1994.

These final regulations amend §§ 416.210(b), 416.1124, and 416.1210 and create new §§ 416.1229 and 416.1239 to reflect these statutory changes. These final regulations also amend § 416.1161 to apply these same income exclusions when victims' compensation payments and State and local government relocation assistance are received by the ineligible spouse or ineligible parent of an eligible individual or child in order that the deeming rules not reduce the SSI payment of, or render ineligible, the individual or child. The amendments to § 416.1210 result in the application of the resource exclusions to these deemors. Not to apply the exclusions in such cases could thwart the Congressional intent underlying sections 5031 and 5035 that State victims' compensation payments and relocation assistance not be treated as income and resources and thus not adversely affect SSI eligibility. For this same reason, the resource exclusions also apply to victims' compensation payments and relocation assistance received by an alien's sponsor whose resources are deemed to an eligible alien. Under section 1621(b)(1) of the Act, income exclusions are not applicable in determining the amount of a sponsor's income that will be deemed to an alien. Therefore, the income exclusions for victims' compensation payments and relocation assistance do not apply to such payments received by a sponsor whose income is deemed to an alien. Section 416.1204 is updated to reflect the inclusion of the resource exclusion for victims' compensation payments and relocation assistance as well as the other resource exclusions applicable to the resources of a sponsor.

These rules were published in a Notice of Proposed Rulemaking on August 26, 1994 (59 FR 44093). A 60-day comment period was provided. We did not receive any public comments. We are, therefore, adopting as final the rules essentially as proposed.

### Regulatory Procedures

*Executive Order 12866*

We have consulted with the Office of Management and Budget and determined that these rules do not meet the criteria for a significant regulatory action under Executive Order 12866.

*Regulatory Flexibility Act*

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

*Paperwork Reduction Act*

These regulations will impose no additional reporting and recordkeeping requirements subject to Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance: Program No. 96.006–Supplemental Security Income.)

### List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and Recordkeeping Requirements.

Approved: December 20, 1995.

Shirley S. Chater,

*Commissioner of Social Security.*

For the reasons set out in the preamble, part 416 of chapter III of title 20 of the Code of Federal Regulations is amended as follows:

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

### Subpart B—[Amended]

1. The authority citation for subpart B of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93–66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99–643, 100 Stat. 3574 (42 U.S.C. 1382h note).

2. Section 416.210 is amended by revising paragraph (b) to read as follows:

**§ 416.210 You do not apply for other benefits.**

* * * * *

(b) *What ''other benefits'' includes.* ''Other benefits'' includes any payments for which you can apply that are available to you on an ongoing or one-time basis of a type that includes annuities, pensions, retirement benefits, or disability benefits. For example, ''other benefits'' includes veterans' compensation and pensions, workers' compensation payments, Social Security insurance benefits and unemployment insurance benefits. ''Other benefits'' for which you are required to apply do not include payments that you may be eligible to receive from a fund established by a State to aid victims of crime. (See § 416.1124(c)(17).)

* * * * *

### Subpart K—[Amended]

3. The authority citation for Subpart K of Part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

4. Section 416.1124 is amended by replacing the periods after paragraphs (c)(9) and (c)(16) with semicolons, by removing ''and'' from the end of (c)(15), and by adding new paragraphs (c)(17) and (c)(18) to read as follows:

**§ 416.1124 Unearned income we do not count.**

* * * * *

(c) * * *

(17) Payments received by you from a fund established by a State to aid victims of crime; and

(18) Relocation assistance provided you by a State or local government that is comparable to assistance provided under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 that is subject to the treatment required by section 216 of that Act.

5. Section 416.1161 is amended by replacing the period after paragraph (a)(20) with a semicolon, and by adding new paragraphs (a)(21) and (a)(22) to read as follows:

**§ 416.1161 Income of an ineligible spouse, ineligible parent, and essential person for deeming purposes.**

* * * * *

(a) * * *

(21) Payments from a fund established by a State to aid victims of crime (see § 416.1124(c)(17)); and

(22) Relocation assistance, as described in § 416.1124(c)(18).

### Subpart L—[Amended]

6. The authority citation for subpart L of part 416 is revised to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

7. Section 416.1204 is amended by revising paragraph (a) to read as follows:

**§ 416.1204 Deeming of resources of the sponsor of an alien.**

* * * * *

(a) *Exclusions from the sponsor's resources.* Before we deem a sponsor's resources to an alien, we exclude the same kinds of resources that are excluded from the resources of an individual eligible for SSI benefits. The applicable exclusions from resources are explained in § 416.1210 (paragraphs (a) through (i), (k), and (m) through (q)) through § 416.1239. For resources excluded by Federal statutes other than the Social Security Act, as applicable to the resources of sponsors deemed to aliens, see the appendix to subpart K of part 416. We next allocate for the sponsor or for the sponsor and spouse (if living together). (The amount of the allocation is the applicable resource limit described in § 416.1205 for an eligible individual and an individual and spouse.)

* * * * *

8. Section 416.1210 is amended by removing ''and'' from the end of paragraph (n), by replacing the period at the end of paragraph (o) with a semicolon, and by adding new paragraphs (p) and (q) to read as follows:

**§ 416.1210 Exclusions from resources; general.**

* * * * *

(p) Payments received as compensation for expenses incurred or losses suffered as a result of a crime as provided in § 416.1229; and

(q) Relocation assistance from a State or local government as provided in § 416.1239.

9. A new § 416.1229 is added to read as follows:

**§ 416.1229 Exclusion of payments received as compensation for expenses incurred or losses suffered as a result of a crime.**

(a) In determining the resources of an individual (and spouse, if any), any amount received from a fund established by a State to aid victims of crime is excluded from resources for a period of 9 months beginning with the month following the month of receipt.

(b) To be excluded from resources under this section, the individual (or spouse) must demonstrate that any amount received was compensation for expenses incurred or losses suffered as the result of a crime.

10. A new § 416.1239 is added to read as follows:

**§ 416.1239 Exclusion of State or local relocation assistance payments.**

In determining the resources of an individual (or spouse, if any), relocation assistance provided by a State or local government (as described in § 416.1124(c)(18)) is excluded from resources for a period of 9 months beginning with the month following the month of receipt.

[FR Doc. 96–806 Filed 1–22–96; 8:45 am]

BILLING CODE 4190–29–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 178

**[Docket No. 95F–0169]**

### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tri[2(or 4)-$C_{9-10}$-branched alkylphenyl]phosphorothioate as an extreme pressure-antiwear adjuvant in lubricants with incidental food contact. This action is in response to a petition filed by Ciba-Geigy Corp.

**DATES:** Effective Janaury 23, 1996; written objections and requests for a hearing by February 22, 1996.

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

**FOR FURTHER INFORMATION CONTACT:** Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of July 20, 1995 (60 FR 37453), FDA announced that a food additive petition (FAP 5B4465) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532–2188. The petition proposed to amend the food additive regulations in § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) to provide for the safe use of tri[2(or 4)-$C_{9-10}$-branched alkylphenyl]phosphorothioate as an extreme pressure-antiwear adjuvant in lubricants with incidental food contact.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed use of the additive is safe, that the additive will have the intended technical effect, and that the regulations in § 178.3570 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before February 22, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objection received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

## PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.3570 is amended in the table in paragraph (a)(3) by alphabetically adding a new entry under the headings ''Substances'' and ''Limitations'' to read as follows:

**§ 178.3570 Lubricants with incidental food contact.**

* * * * *

(a) * * *

(3) * * *

| Substances | Limitations |
|---|---|
| * * * | * * * * |
| Tri[2(or 4)-$C_{9-10}$-branched alkylphenyl]phosphorothioate (CAS Reg. No. 126019–82–7). | For use only as an extreme pressure-antiwear adjuvant at levels not to exceed 0.5 percent by weight of the lubricant. |
| * * * | * * * * |

* * * * *

Dated: January 3, 1996.

Fred R. Shank,

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 96–814 Filed 1–22–96; 8:45 am]

**BILLING CODE 4160–01–F**

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

**[CGD05–95–029]**

**RIN 2115–AE47**

## Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, VA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** At the request of the City of Chesapeake, the Coast Guard is changing the regulations that govern the operation of the Dominion Boulevard drawbridge across the Southern Branch of the Elizabeth River, Atlantic Intracoastal Waterway, mile 8.8, at Chesapeake, Virginia, by extending the period of restricted bridge openings for recreational vessels during the morning rush hours. It is also eliminating language referring to an evening rush hour opening for waiting recreational boats. This rule is intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge, while still providing for the reasonable needs of navigation.

**EFFECTIVE DATE:** This rule is effective on February 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

**SUPPLEMENTARY INFORMATION:**

### Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and CDR T.R. Cahill, Project Counsel, Fifth Coast Guard District Legal Office.

### Regulatory History

On July 20, 1995, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) entitled ''Drawbridge Operation Regulations; Elizabeth River, Southern Branch, Chesapeake, Virginia'' in the Federal Register (60 FR 37417). In addition to publishing the NPRM, the Coast Guard also announced the proposed changes in Public Notice 5–860. The comment period ended October 18, 1995. Two comments were received. A public hearing was not requested and one was not held.

### Background and Purpose

The Dominion Boulevard Bridge, also known as the Steel Bridge, crosses the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 8.8. The proposed changes were requested by the City of Chesapeake, Virginia, in order to alleviate delays to vehicle traffic caused by opening the draw for passage of recreational vessels.

### Discussion of Comments and Changes

The NPRM proposed changes to 33 CFR 117.997, regulations governing operation of a drawbridge across the Southern Branch of the Elizabeth River on Dominion Boulevard (Route 190), in Chesapeake, Virginia. The proposed changes included extending the morning rush hour period of restricted openings from 8 a.m. to 9 a.m. and eliminating language referring to a 5 p.m. opening for waiting recreational vessels.

Two comments were received on the proposed changes, one from a commercial waterway user and one from a recreational boater. Both comments objected to the proposed changes. A commercial waterway user requested that the hours of restriction apply only to openings for recreational vessels, and not to openings for commercial vessels. The NPRM did not propose changes to bridge openings for commercial vessels, and this final rule does not change the previous requirement. The draw will continue to open on signal for commercial vessels.

A recreational boater asked that the Coast Guard schedule openings for recreational vessels during the hours of restricted openings. The Coast Guard does not agree. As a result of urban development, Dominion Boulevard has become a heavily-travelled commuter thoroughfare. Bridge openings during rush hours severely disrupt vehicular traffic. The purpose of the proposed changes is to establish a schedule that balances the reasonable needs of waterway users and the reasonable needs of vehicular traffic. The Coast Guard believes that the proposed changes will improve the flow of motor traffic and diminish vehicular delay while not unduly restricting the passage of recreational vessels. A boat would have to wait no more than two hours for the next opening, and a recreational vessel owner may plan the vessel's transit based on the hours of unrestricted openings.

This final rule adopts the changes proposed in the NPRM. It extends the end morning rush hour period of restricted openings from 8 a.m. to 9 a.m. The morning rush hour period of restricted openings will now run from 7 a.m. to 9 a.m. The evening rush hour period will continue to run from 4 p.m. to 6 p.m., and a provision specifically referring to a 5 p.m. opening for waiting recreational vessels is eliminated. The draw will continue to open on signal for passage of commercial vessels. It will also continue to open at any time for passage of vessels in emergencies involving danger to life or property.

This final rule also includes an editorial change to make 33 CFR 117.997 consistent with Coast Guard bridge administration policies. Coast Guard policy is to specify, by regulation, the periods of time and conditions for which a bridge must open for passage of vessels. By implication, the bridge may remain closed except as specified. However, the Coast Guard does not require that a bridge remain closed, and a bridge owner or operator may open the bridge even though not required to do so. Therefore, in 33 CFR 117.997(e)(1), this final rule adopts language to indicate that the bridge ''need not'' open for passage of recreational vessels during the specified periods, rather than indicate that it may not open during those periods.

### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Small Entities

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

as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations to read as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.997, paragraph (e) is revised to read as follows:

**§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albermarle and Chesapeake Canal.**

* * * * *

(e) The draw of the Dominion Boulevard Bridge, mile 8.8, in Chesapeake shall open on signal, except:

(1) From 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the drawbridge need not open for the passage of recreational vessels.

(2) Vessels in an emergency involving danger to life or property shall be passed at any time.

* * * * *

Dated: December 26, 1995.

W.J. Ecker,

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 96–723 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF AGRICULTURE

### Forest Service

### 36 CFR Part 291

**RIN 0596–AB43**

### Occupancy and Use of Developed Sites and Areas of Concentrated Public Use; Expanded Locations Where Admission Fees May Be Charged

**AGENCY:** Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule expands the locations at which the Forest Service may charge admission fees under the provisions of section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended. The Forest Service previously had statutory authority to charge admission fees only at congressionally designated National Recreation Areas administered by the Secretary of Agriculture. This final rule implements the 1993 amendments to the Land and Water Conservation Fund Act of 1965 that provide additional authority to charge admission fees at congressionally designated National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use designated by the Forest Service. The intended effect of this final rule is to conform the existing rule to the statutory amendments.

**EFFECTIVE DATE:** This rule is effective January 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Joe Meade, (202) 205–1129, Recreation, Heritage, and Wilderness Resources Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090–6090.

**SUPPLEMENTARY INFORMATION:** Before it was amended in 1993, the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a) authorized the Secretary of Agriculture to charge admission fees at National Recreation Areas. That authority is implemented through regulations at 36 CFR Part 291, Occupancy and Use of Developed Sites and Areas of Concentrated Public Use.

In his report, ''A Vision of Change for America,'' President Clinton made clear his intention to increase revenues from use of recreational facilities on public lands. As part of his fiscal year 1994 budget package, the President transmitted proposed legislation to Congress that would permit the Secretary of Agriculture to charge admission fees at National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use, in addition to National Recreation Areas. Congress endorsed this proposal in the passage of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66), which includes such provisions. The act at 16 U.S.C. 460*l*–6a(a) defines an area of concentrated public use as an area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction where facilities and services necessary to accommodate heavy public use are provided, and provides public access to the area in such a manner that admission fees can be efficiently collected at one or more centralized locations.

After this rule takes effect, the Chief of the Forest Service will make a determination of no more than 21 areas of concentrated public use where fees may be charged. The Chief's determination will be used on recommendations from the field units by Regional Foresters of areas that meet criteria in the preceding definition from the act and requirements in this rule. The agency policy and procedures related to this rule and to the field units' review and recommendation of areas are being issued in an amendment to Forest Service Manual chapter FSM 2330, Publicly Managed Recreation Opportunities. This amendment is available upon request from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Compliance with Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(3)(B) of the Administrative Procedure Act, the Forest Service has determined that publication of this rule for notice and comment prior to adoption is unnecessary. This final rule makes minor technical changes in the existing regulations at 36 CFR Part 291 so that they conform with the Land and Water Conservation Fund Act, as amended by the Omnibus Budget Reconciliation Act of 1993. This rulemaking does not supplement or make major changes in

policies applicable to the administration of admission fees charged at sites in the National Forest System pursuant to the Land and Water Conservation Fund Act of 1965.

Regulatory Impact

This final rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It has been determined that this action will not have a significant economic impact on a substantial number of small entities as defined in that act. It will not impose recordkeeping requirements on them; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market.

Unfunded Mandates Reform

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

Executive Order 12630

This final rule has been reviewed for its impact on private property rights under Executive Order 12630 of March 15, 1988, as implemented by the United States Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings. Executive Order 12630 does not apply because this final rule makes technical and administrative changes applicable to the administration of admission fees charged at sites in the National Forest System.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. After adoption of this final rule, (1) all state and local laws and regulations that conflict with this rule or that impede its full implementation will be preempted; (2) no retroactive effect will be given to this final rule; and (3) it will not require administrative proceedings before parties may file suit in court challenging its provisions.

Controlling Paperwork Burdens on the Public

This rule does not contain new recordkeeping or reporting requirements or other information collection requirements and does not impose additional paperwork burdens on the public. Therefore, the review provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and its implementing regulations at 5 CFR Part 1320 do not apply.

Environmental Impact

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; Sept. 18, 1992) categorically excludes from documentation in an environmental assessment (EA) or an environmental impact statement (EIS) ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes or instructions.'' Based on the technical and administrative nature and scope of this rulemaking, it has been determined that this rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an EA or an EIS.

List of Subjects in 36 CFR Part 291

National Forests, Recreation and Recreation Areas.

Therefore, for the reasons set forth in the preamble, Part 291 of Chapter II of Title 36 of the Code of Federal Regulations is hereby amended as follows:

## PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

1. Revise the authority citation for Part 291 to read as follows:

Authority. 16 U.S.C. 460*l*–6a.

2. Add § 291.1 to read as follows:

### § 291.1 Definitions.

For the purposes of this part the following term shall mean:

*Area of concentrated public use:* An area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction where facilities and services necessary to accommodate heavy public use are provided, and provides public access to the area in such a manner that admission fees can be efficiently collected at one or more centralized locations.

3. Amend § 291.9 by redesignating it as § 291.2 revising paragraph (a) to read as follows:

### § 291.2 Admission fees and recreation use fees.

(a) Fees shall be charged for admission to Congressionally designated National Recreation Areas, National Monuments, National Volcanic Monuments, and National Scenic Areas administered by the Secretary of Agriculture and no more than 21 areas of concentrated public use designated by the Chief of the Forest Service as provided by section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended.

* * * * *

### § 291.10 [Redesignated as § 291.3]

4. Redesignate § 291.10 as § 291.3.

Dated: December 19, 1995.

Mark Gaede,

*Acting Deputy Under Secretary, Natural Resources and Environment.*

[FR Doc. 96–767 Filed 1–22–96; 8:45 am]

BILLING CODE 3410–11–M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA 157–1–7223a; FRL–5317–2]**

## Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the Sacramento Metropolitan Air Quality Management District (SMAQMD). The rules control VOC emissions from the transfer of gasoline into stationary storage tanks and vehicle fuel tanks. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the deficiencies in these rules have been corrected and that on the effective date of this action, any sanction or Federal Implementation Plan (FIP) clock is stopped. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**DATES:** This action is effective on March 25, 1996 unless adverse or critical comments are received by February 22, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1200.

**SUPPLEMENTARY INFORMATION:**

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Sacramento Metro Area. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2) of the 1977 Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP–Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP–Call used that guidance to indicate the necessary corrections for specific nonattainment areas. At the time of enactment of the CAA amendments, the Sacramento Metro Area was classified as serious[2]; therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline.

This document addresses EPA's direct final action for SMAQMD Rule 448, Gasoline Transfer into Stationary Storage Containers, and Rule 449, Transfer of Gasoline into Vehicle Fuel Tanks. The SMAQMD adopted these rules on February 2, 1995. These rules were submitted by the California Air Resources Board (CARB) to EPA on August 10, 1995. The submitted rules were found to be complete on October 4, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V[3] and are being finalized for approval into the SIP.

Rule 448 controls VOC emissions during gasoline transfer to stationary storage tanks. Rule 449 controls emissions from vehicle fuel tank filling operations. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of SMAQMD's effort to achieve the National Ambient Air Quality Standard for ozone and in response to EPA's SIP–Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for each rule.

EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''fix-up'' their RACT rules. See section 182(a)(2)(A). The CTGs applicable to Rule 448 are entitled Control of Volatile Organic Emissions from Bulk Gasoline Plants, EPA–450/2–77–035; and Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems, EPA–450/2–78–051. Rule 449 was evaluated against EPA's draft model stage II rule, dated August 17, 1992. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SMAQMD's submitted Rule 448 includes the following significant changes from the current SIP:

1. Executive Officer discretion in approving equivalent test methods has been removed.

2. Data on agricultural tanks has been submitted in the form of a 5% determination in order to justify the agricultural tank exemption.

3. A pressure vacuum valve requirement has been added.

SMAQMD's submitted Rule 449 includes the following significant changes from the current SIP:

1. Executive Officer discretion in approving equivalent test methods has been removed.

2. Testing provisions have been added to require dynamic back pressure tests and static leak tests at least every 5 years.

3. Test results must be reported to the district within 30 days of test completion.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SMAQMD Rule 448 and Rule 449 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D. The final action on these rules serves as a final determination that the deficiencies in

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995).

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

these rules have been corrected. Therefore, if this direct final action is not withdrawn, on March 25, 1996, any sanction or FIP clock is stopped.

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

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 25, 1996, unless, within 30 days of its publication, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 25, 1996.

Regulatory Process

*Unfunded Mandates*

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

Through submission of this State implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this direct final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

*Small Businesses*

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

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

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

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 11, 1995.

Felicia Marcus,

*Regional Administrator.*

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

## PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

### Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(224)(i)(A)(*1*) to read as follows:

**§ 52.220 Identification of Plan.**

* * * * *

(c) * * *

(224) New and amended regulations for the following APCDs were submitted on August 10, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 448 and rule 449, adopted on February 2, 1995.

* * * * *

[FR Doc. 96–775 Filed 1–22–96; 8:45 am]

BILLING CODE 6560–50–P

## 40 CFR Part 52

**[CA 157–1–7223c; FRL–5317–4]**

## Interim Final Determination That State Has Corrected the Deficiency; State of California; Sacramento Metropolitan Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Interim final rule.

**SUMMARY:** Elsewhere in today's Federal Register, EPA has published a direct final rulemaking fully approving portions of the State of California's submittal of its State Implementation Plan (SIP) revision. EPA has also published a proposed rulemaking to provide the public with an opportunity to comment on EPA's action. If a person submits adverse comments on EPA's proposed action, EPA will withdraw its direct final action and will consider any comments received before taking final action on the State's submittal. Based on the proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which a sanctions clock began on July 9, 1994.

This action will defer the imposition of the offset sanction and defer the imposition of the highway sanction. Although this action is effective upon publication, EPA will take comment. If no comments are received on EPA's proposed approval of the State's submittal, the direct final action published in today's Federal Register will also finalize EPA's determination that the State has corrected the deficiencies that started the sanctions clock. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final notice taking into consideration any comments received.

**DATES:** Effective date: January 23, 1996. Comments must be received by February 22, 1996.

**ADDRESSES:** Comments should be sent to Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

The rules and EPA's analysis for each rule, which are the basis for this action, are available for public review at the above address. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1200.

**SUPPLEMENTARY INFORMATION:**

## Background

On June 19, 1992, the State submitted Sacramento Metropolitan Air Quality Management District (SMAQMD) Rule 448, Gasoline Transfer into Stationary Storage Containers, and Rule 449, Transfer of Gasoline into Vehicle Fuel Tanks, which EPA disapproved in part on June 9, 1994, 59 FR 29731. EPA's disapproval action started an 18-month clock for the imposition of one sanction (followed by a second sanction 6 months later) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP). The State subsequently submitted revised rules on August 10, 1995. EPA has taken direct final action on these rules pursuant to its modified direct final policy set forth at 59 FR 24054 (May 10, 1994). In the Rules section of today's Federal Register, EPA has issued a direct final full approval of the State of California's submittal of these SIP rule revisions. In addition, in the Proposed Rules section of today's Federal Register, EPA has proposed full approval of these rules.

Based on the direct final full approval set forth in today's Federal Register, EPA believes that it is more likely than not that the State has corrected the original disapproval deficiencies. Therefore, EPA is taking this final rulemaking action, effective on publication, finding that the State has corrected the deficiencies. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on this action and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will either propose or take final action finding that the State has not corrected the original disapproval deficiencies. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiencies have been corrected.

This action does not stop the sanctions clock that started for this area on July 9, 1994. However, this action will defer the imposition of the offsets sanction and will defer the imposition of the highway sanction. *See* 59 FR 39832 (Aug. 4, 1994). If EPA's direct final action fully approving the State's submittal becomes effective, such action will permanently stop the sanctions clock and will permanently lift any imposed, stayed or deferred sanctions. If EPA must withdraw the direct final action based on adverse comments and EPA subsequently determines that the State, in fact, did not correct the disapproval deficiencies, EPA will also determine that the State did not correct the deficiencies and the sanctions consequences described in the sanctions rule will apply. *See* 59 FR 39832, to be codified at 40 CFR 52.31.

## EPA Action

EPA is taking interim final action finding that the State has corrected the disapproval deficiencies that started the sanctions clock. Based on this action, imposition of the offset sanction will be deferred and imposition of the highway sanction will be deferred until EPA's direct final action fully approving the State's submittal becomes effective or until EPA takes action proposing or finally disapproving in whole or part the State submittal. If EPA's direct final action fully approving the State submittal becomes effective, at that time any sanctions clocks will be permanently stopped and any imposed, stayed or deferred sanctions will be permanently lifted.

Because EPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception to the 30-day notice requirement of the Administrative Procedure Act because the purpose of this notice is to relieve a restriction. *See* 5 U.S.C. 553(d)(1).

## Regulatory Process

### *Small Businesses*

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

This action temporarily relieves sources of an additional burden placed on them by the sanctions provisions of the CAA. Therefore, I certify that it does not have an impact on any small entities.

### *Unfunded Mandates*

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

Through submission of this State implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this interim final action does not include a mandate that may result in estimated

costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The Office of Management and Budget has waived review of this action from the requirements of Executive Order 12886.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 11, 1995.

Felicia Marcus,

*Regional Administrator.*

[FR Doc. 96–776 Filed 1–22–96; 8:45 am]

**BILLING CODE 6560–50–P**

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**40 CFR Part 52**

**[OH91–1–7265a; FRL–5401–6]**

## Approval and Promulgation of Implementation Plans; Ohio; Interim Final Determination That State has Corrected Deficiencies

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Interim final determination.

**SUMMARY:** In the proposed rule section of today's Federal Register, USEPA is proposing to approve revisions to Ohio's particulate matter plans for Cuyahoga County and the Steubenville area that the State submitted on November 3, 1995. The notice of proposed rulemaking further proposes to conclude that the deficiencies in these plans identified in rulemaking published on May 27, 1994, at 59 FR 27464, have now been remedied. Based on that proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiency for which a sanctions clock began on June 27, 1994. Pursuant to 40 CFR 52.31, this action will defer the application of the offset sanction and potentially defer the application of the highway sanction. Although this action is effective upon publication, EPA will take comment. USEPA will take final action on this determination at the time it takes final action on the State's submittal.

**DATES:** This interim final determination is effective January 23, 1996. Comments must be received by February 22, 1996.

**ADDRESSES:** Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AE–17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6067.

**SUPPLEMENTARY INFORMATION:**

I. Background

On May 27, 1994, at 59 FR 27464, USEPA published a limited disapproval in the Federal Register of Ohio's particulate matter plans for Cuyahoga County and the Steubenville area. USEPA's disapproval action started an 18-month clock for the application of the offset sanction (followed by the highway funding sanction 6 months later) under section 179 of the Clean Air Act. The State subsequently submitted revisions to the particulate matter plans on November 3, 1995. In the Proposed Rules section of today's Federal Register, USEPA is proposing full approval of the State submittal.

Based on the proposed approval, USEPA believes that it is more likely than not that the State has corrected the deficiencies underlying the original disapproval. Therefore, USEPA is taking this final rulemaking action, effective on publication, finding that the State has corrected the deficiencies. Nevertheless, USEPA is providing the public with an opportunity to comment on this final action. If warranted, USEPA will reverse this determination, potentially in conjunction with reproposed action on the State's submittal. In any case, USEPA plans final action on its determination of whether the deficiencies have been corrected in conjunction with final rulemaking on the State's submittal.

This action does not stop the sanctions clock that started for this area on June 27, 1994. However, this action will defer the application of the offsets sanction and will defer the application of the highway sanction. See 59 FR 39832 (August 4, 1994), codified at 40 CFR 52.31. If USEPA determines, as a result of public comment, that the State's submittal is not fully approvable and this final action was inappropriate, USEPA will either propose or take final action finding that the State has not corrected the original disapproval deficiency, at which time (subsequent to December 27, 1995) the offset sanction shall apply. Alternatively, if USEPA takes final action fully approving the State's submittal, such action will permanently stop the sanctions clock and will permanently lift any applied or deferred sanctions. In the meantime, pending further rulemaking, the application of sanctions will be deferred.

II. EPA Action

EPA is taking interim final action finding that the State has corrected the deficiencies that started the sanctions clock with respect to particulate matter plans for the Cuyahoga County and Steubenville nonattainment areas. Based on this action, application of the offset sanction and the highway sanction will be deferred until final action fully approving the State's submittal becomes effective or until USEPA takes action proposing or finally disapproving in whole or part the State submittal. If USEPA takes final action fully approving the State submittal, the sanctions clocks will be permanently stopped and any applied or deferred sanctions will be permanently lifted.

Because USEPA has preliminarily determined that the State has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, USEPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.[1] 5 U.S.C. § 553(b)(B). USEPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. USEPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has corrected the deficiency that started the sanctions clock. Therefore, it is not in the public interest to initially impose sanctions when the State has most likely done all that it can to correct the deficiency that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and comment rulemaking on a finding that the State has corrected the deficiency prior to the rulemaking approving the State's submittal. Therefore, USEPA believes that it is necessary to use the interim final rulemaking process to temporarily defer sanctions while USEPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, USEPA is invoking the good cause exception to the 30-day notice requirement of the APA because the

[1] As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

purpose of this notice is to relieve a restriction. See 5 U.S.C. § 553(d)(1).

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. This action temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate. This interim final determination temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Act. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. USEPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Air Pollution control, Environmental protection, Intergovernmental relations, Particulate matter, Reporting and record keeping requirements.

Dated: December 13, 1995.

Gail C. Ginsberg,

*Acting Regional Administrator.*

[FR Doc. 96–875 Filed 1–22–96; 8:45 am]

BILLING CODE 6560–50–P

# Proposed Rules

Federal Register
Vol. 61, No. 15
Tuesday, January 23, 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.

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 95–NM–22–AD]**

## Airworthiness Directives; Boeing Model 747–100, –200, –300, and SP Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, –300, and SP series airplanes, that would have required revising the Airplane Flight Manual (AFM) to prohibit the use of the autoland function. That proposal would have also required installation of a diode and a marker on certain shelves and making wiring changes to the flight mode annunciator of the autopilot/flight director system, which would have terminated the requirements for the AFM limitation. That proposal was prompted by a report that the flightcrew was unaware of the configuration of the autoland system during landing. This action revises the proposed rule by revising the applicability to include additional airplanes. The actions specified by this proposed AD are intended to ensure flightcrew awareness of the configuration of the autoland system in the event of a change from fail-operational to fail-passive mode.

**DATES:** Comments must be received by January 29, 1996.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–22–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Hania Younis, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2764; fax (206) 227–1181.

**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 95–NM–22–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. 95–NM–22–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 747–100, –200, –300, and SP series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on June 28, 1995 (60 FR 33373). That NPRM would have required revising the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to prohibit the use of the LAND mode, if there is a flag on any channel. That NPRM would have also required installing a diode and a marker on certain shelves, and making wiring changes to the flight mode annunciator (FMA) of the autopilot/flight director system, which would terminate the requirement for the AFM limitation. Additionally, that NPRM would have required operational tests of the newly installed diodes.

That NPRM was prompted by a report indicating that the flightcrew was unaware of the configuration of the autoland system during landing in which the autoland system failed to flare a Model 747–200 series airplane for landing, which resulted in a hard landing. That condition, if not corrected, could result in the flightcrew being unaware of the configuration of the autoland system in the event of a change from fail-operational to fail-passive mode.

### Description of Revised Service Information

Since the issuance of that NPRM, the FAA has reviewed and approved Revision 2 of Boeing Alert Service Bulletin 747–22A2213, dated June 22, 1995. The installation and wiring change procedures described in this revision are essentially identical to those described in Revision 1 of the service bulletin (which was referenced in the NPRM). However, Revision 2 clarifies the preliminary set-up procedures and contains certain minor editorial changes. Additionally, Revision 2 deletes certain airplanes from its effectivity listing and includes certain other airplanes that are subject to the addressed unsafe condition.

Explanation of Changes Made to the Proposal

The FAA has revised the applicability of the proposed rule to include those newly-identified airplanes that are now listed in Revision 2 of Boeing Alert Service Bulletin 747–22A2213. Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

The FAA also has revised paragraphs (b) and (c) of the proposed rule to reference Revision 2 of the service bulletin as an additional source of service information.

Additionally, the FAA has reconsidered the wording of the AFM limitation that would have been required by paragraph (a) of this originally-issued NPRM, and finds that the proposed wording must be revised to be more specific. Paragraph (a) of this supplemental NPRM has been revised accordingly.

Consideration of Comments Received

In addition, the FAA has given due consideration to the following comments that were received in response to the originally-issued NPRM:

One commenter requests that the description of the unsafe condition, as stated in the notice, be clarified. The description in the Summary section of the preamble to the notice states that ''* * * to prevent failure of the autoland system to flare the airplane for landing, which could subsequently result in a hard landing.'' However, the commenter asserts that a more accurate description of the unsafe condition is ''* * * to ensure flightcrew awareness of autoland system configuration in the event of a change from fail-operational to fail-passive mode.'' The FAA agrees that the commenter's wording describes the addressed unsafe condition more accurately. The FAA has revised all references to the unsafe condition accordingly throughout this supplemental NPRM.

Two commenters note that the AFM revision in paragraph (a) of the proposal states that ''* * * If there is a flag on ANY channel, the approach must be down-graded to dual channel, CAT II configuration, and the autopilot must be disconnected prior to landing.'' The commenters agree that the approach should be down-graded to CAT II. However, the commenters request that the FAA revise the language of the AFM revision specified in paragraph (a) of the proposed rule to allow for continuation of the approach with the autopilot engaged. One of these commenters states that, once the anomalous channel is disconnected, the remaining two channels provide for a normal dual channel configuration, which is certified for CAT II weather operations.

The FAA does not concur with the commenter's request to revise paragraph (a) of the proposal. While the FAA acknowledges that the two remaining channels could provide for a normal dual channel autoland, the FAA finds that the annunciation system would no longer be adequate to support such an autoland. The FAA also finds an increased potential for the pilot to disconnect the wrong autopilot channel. Such a situation could result in the flightcrew being misled into thinking that there are two properly functioning autopilot channels engaged. Therefore, the FAA has determined that the autopilot must still be disconnected prior to landing.

Cost Impact

There are approximately 179 Model 747–100, –200, –300, and SP series airplanes of the affected design in the worldwide fleet. The FAA estimates that 12 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed revision to the AFM, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed requirement on U.S. operators is estimated to be $720, or $60 per airplane.

It would take approximately 10 work hours per airplane to accomplish the proposed installation and operational test, at an average labor rate of $60 per work hour. Required parts would cost approximately $613 per airplane. Based on these figures, the cost impact of these proposed requirements on U.S. operators is estimated to be $14,556, or $1,213 per airplane.

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

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 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

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

Boeing: Docket 95–NM–22–AD.

*Applicability:* Model 747–100, –200, –300, and SP series airplanes, equipped with triple channel autoland autopilots; as listed in Boeing Alert Service Bulletin 747–22A2212, Revision 1, dated April 27, 1995, and Boeing Alert Service Bulletin 747–22A2213, Revision 2, dated June 22, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been 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 ensure flightcrew awareness of the configuration of the autoland system in the event of a change from fail-operational to fail-passive mode, accomplish the following:

(a) Within 3 months after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''Pay close attention to all 3 NAV receiver flags immediately after FLARE ARM is annunciated on the FMA's. If there is a flag on any NAV receiver, the corresponding autopilot channel must be disconnected; the approach must be down-graded to dual channel, CAT II configuration; and the autopilot must be disconnected prior to landing.''

(b) Within 18 months after the effective date of this AD, install a diode and a marker on the E1–4, E1–5, and E1–6 shelves, and make wiring changes to the flight mode annunciator of the autopilot/flight director system, in accordance with Boeing Alert Service Bulletin 747–22A2212, Revision 1, dated April 27, 1995; or Boeing Alert Service Bulletin 747–22A2213, Revision 1, dated April 27, 1995, or Revision 2, dated June 22, 1995; as applicable. After this installation and wiring change is accomplished, the AFM limitation required by paragraph (a) of this AD may be removed from the AFM.

(c) Prior to further flight after accomplishment of paragraph (b) of this AD, perform an operational test of the newly installed diodes, in accordance with Boeing Alert Service Bulletin 747–22A2212, Revision 1, dated April 27, 1995; or Boeing Alert Service Bulletin 747–22A2213, Revision 1, dated April 27, 1995, or Revision 2, dated June 22, 1995; as applicable. Thereafter, repeat the operational test at intervals not to exceed 20,000 flight hours.

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

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

(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 17, 1996.

Darrell M. Pederson,

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 96–846 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 71

**[Airspace Docket No. 96–ASO–2]**

## Proposed Amendment to Class E Airspace; Brunswick, GA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Class E airspace area at Brunswick, GA, to include the Jekyll Island Airport, which has a VOR or GPS–A Standard Instrument Approach Procedure (SIAP). Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the Jekyll Island Airport.

**DATES:** Comments must be received on or before March 5, 1996.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–2, Manager, System Management Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

**FOR FURTHER INFORMATION CONTACT:** Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–2.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Brunswick, GA, to include the Jekyll Island Airport which has a VOR or GPS–A SIAP. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the Jekyll Island Airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

## PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet Above the Surface of the Earth.*

* * * * *

ASO GA E5 Brunswick, GA [Revised]

Brunswick/Malcom-McKinnon Airport, GA
(Lat. 31°09′06″ N, long. 81°23′29″)
Brunswick/Glynco Jetport Airport
(Lat. 31°15′33″ N, long. 81°27′59″ W)
Jekyll Island Airport
(Lat. 31°04′28″ N, long. 81°25′40″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Malcolm-McKinnon Airport and within a 7-mile radius of the Glynco Jetport Airport and within a 6.3-mile radius of the Jekyll Island Airport and within 2.4 miles each side of the Brunswick VOR 217° radial, extending from the 6.3-mile radius to 7 miles southwest of the VOR.

* * * * *

Issued in College Park, Georgia, on January 9, 1996.

Benny L. McGlamery,

*Acting Manager, Air Traffic Division, Southern Region.*

[FR Doc. 96–851 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Parts 1910, 1915, and 1926

**[Docket No. H–049]**

**RIN 1218–0099**

### Respiratory Protection

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Extension of the time period for submission of public comments on a report by M. Nicas.

**SUMMARY:** OSHA is extending the time period originally specified in 60 FR 56127 for receiving public comment on the Nicas Report.

**DATES:** Written comments must be postmarked to OSHA on or before January 29, 1996.

**ADDRESSES:** Comments must be submitted in quadruplicate or 1 original (hardcopy) and 1 disk (5¼ or 3½ inch) in WordPerfect 5.0, 5.1, 6.0, 6.1, or ASCII to: Docket Office, Docket H–049, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone: (202) 219–7894. Any information not contained on disk (e.g., studies, articles) must be submitted in quadruplicate. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046, provided that the original and 3 copies are sent to the Docket Office thereafter.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne C. Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 219–8148. A copy of the referenced report is available for inspection and copying in the Docket Office and will be mailed to persons who request a copy by telephoning Mr. John Steelnack at (202) 219–7151. For an electronic copy of the Federal Register notice, contact the Labor News Bulletin Board (202) 219–4748; or OSHA's WebPage on the Internet at http://www.OSHA.gov/. For news releases, fact sheets and other short documents, contact OSHA FAX at (900) 555–3400 at $1.50 per minute.

**SUPPLEMENTARY INFORMATION**

Background

On November 7, 1995, OSHA published a notice (60 FR 56127) which reopened the record of the Respiratory Protection standard, 29 CFR 1910.134, to receive public comment on a report submitted by Dr. Mark Nicas titled ''The Analysis of Workplace Protection Factor Data and the Derivation of Assigned Protection Factors'' (hereafter, the ''Nicas Report'') which was entered as a post-hearing comment into the Respiratory Protection Docket H–049 as Exhibit #156. The original time period for public comment on the Nicas Report was scheduled to end on January 8, 1996. However, OSHA underwent a major reduction in operations and furlough of most employees from December 18, 1995 to January 5, 1996. As of January 17, 1996, OSHA had received only three comments on the Nicas Report in response to 60 FR 56127. To encourage additional public comments in response to this announcement, OSHA is extending the date for submitting comments on the Nicas Report to January 29, 1996. No additional extensions for this purpose are anticipated.

Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

Signed at Washington, D.C. this 17th day of January, 1996.

Joseph A. Dear,

*Assistant Secretary of Labor.*

[FR Doc. 96–728 Filed 1–22–96; 8:45 am]

BILLING CODE 4510–26–P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

**[CGD05–95–084]**

**RIN 2115–AE47**

### Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Sunset Beach, NC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the North Carolina Department of Transportation, the Coast Guard is proposing a change to the regulations that govern the operation of the drawbridge across the Atlantic Intracoastal Waterway, mile 337.9, at Sunset Beach, North Carolina. This proposed rule would extend the hours on weekends and holidays during the summer months during which the bridge may open only on the hour. This proposed rule is intended to provide regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge while providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before March 8, 1996.

**ADDRESSES:** Comments may be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or may be delivered to Room 109 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (804) 398–6227. Comments will become part of this docket and will be available for inspection at Room 109, Fifth Coast Guard District.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

**SUPPLEMENTARY INFORMATION:**

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD05–95–084) and the specific section of this rule to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (ob) at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and CDR T. R. Cahill, Project Counsel, Fifth Coast Guard District Legal Office.

Background and Purpose

Operation of drawbridges over the Atlantic Intracoastal Waterway in North Carolina, including the Sunset Beach drawbridge, are governed by 33 CFR 117.821. Section 117.821(a) requires that drawbridges over the Atlantic Intracoastal Waterway in North Carolina open on signal for public vessels of the United States, State and local government vessels, commercial vessels, and any vessel in an emergency involving danger to life and property. Section 117.821(b) requires that drawbridges over the Atlantic Intracoastal Waterway in North Carolina open on signal for pleasure vessels, except as otherwise provided. Section 117.821(b)(6) permits the Sunset Beach drawbridge to open only on the hour from April 1 to November 30 between 7 a.m. and 7 p.m., if signaled by a pleasure vessel. Current 33 CFR 117.821(b)(6) was established by a final rule published in the Federal Register on December 30, 1994 (59 FR 67629).

The North Carolina Department of Transportation, on behalf of the Town of Sunset Beach, has asked the Coast Guard to amend 33 CFR 117.821 to extend the hours during which the Sunset Beach drawbridge may open on the hour. The Town of Sunset Beach adopted a Resolution stating that drawbridge openings for recreational vessels after 6 p.m. on weekends and Federal holidays from June 1 to September 30 have caused tremendous highway traffic congestion at the bridge and highway traffic problems within the Town.

Based on this request, the Coast Guard is proposing to amend 33 CFR 117.821(b)(6). The proposed amendment would, on Saturdays, Sundays, and Federal holidays from June 1 to September 30, extend the hours during which the Sunset Beach drawbridge may open on the hour from 7 p.m. to 9 p.m. The Coast Guard believes that the proposed amendment would alleviate highway traffic problems while also permitting the orderly flow of recreational vessel traffic through the draw. The proposed changes will not unduly restrict navigation by pleasure vessels, which may plan their transits to coincide with scheduled hourly openings.

This proposal would also correct the designation of the highway corridor to SR 1172 vice US 50 in 33 CFR 117.821(b)(6). According to the North Carolina Department of Transportation, the Sunset Beach drawbridge is not part of the US 50 Highway corridor.

Regulatory Evaluation

This proposed action is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism Assessment

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and it has been determined that this proposal will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.e(32)(3) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is proposing to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In section 117.821, paragraph (b)(6) is revised to read as follows:

**§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.**

* * * * *

(b) * * *

(6) SR 1172 bridge, mile 337.9, at Sunset Beach, NC, shall open on the hour on signal between 7 a.m. and 7 p.m., April 1 through November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 9 p.m.

* * * * *

Dated: December 26, 1995.

W.J. Ecker,

*Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.*

[FR Doc. 96–724 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–14–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[CA 157–1–7223b; FRL–5317–3]**

### Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from the transfer of gasoline into stationary storage tanks and vehicle fuel tanks. The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990. In the Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by February 22, 1996.

**ADDRESSES:** Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1200.

**SUPPLEMENTARY INFORMATION:** This document concerns Sacramento Metropolitan Air Quality Management District (SMAQMD) Rule 448, Gasoline Transfer into Stationary Storage Containers, and Rule 449, Transfer of Gasoline into Vehicle Fuel Tanks, submitted to EPA on August 10, 1995 by the California Air Resources Board. For further information, please see the information provided in the direct final action which is located in the Rules section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 11, 1995.

Felicia Marcus,

*Regional Administrator.*

[FR Doc. 96–777 Filed 1–22–96; 8:45 am]

BILLING CODE 6560–50–P

### 40 CFR Part 52

**[OH91–1–7265b; FRL–5401–5]**

### Approval and Promulgation of Implementation Plans; Ohio

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Proposed rule.

**SUMMARY:** On November 3, 1995, Ohio submitted revisions to its particulate matter plans for the Cleveland and Steubenville nonattainment areas. These revisions were submitted to address plan deficiencies identified by USEPA in a final limited disapproval of the particulate matter plans published in the Federal Register on May 27, 1994, at 59 FR 27464. For the Cleveland area, these revisions provide earlier attainment and correct the deficient test method. For the Steubenville area, these revisions include an administrative order for tightening controls at Wheeling-Pittsburgh Steel's basic oxygen furnace and provide a fully updated modeling analysis demonstrating that the plan assures attainment. USEPA is proposing to approve these revisions. On this basis, USEPA is by separate notice today making an interim final determination that these revisions remedy the deficiencies identified in the

rulemaking of May 27, 1994. As a result, the sanctions which could have resulted from the May 1994 rulemaking shall not apply.

**DATES:** Comments on this proposed action must be received by February 22, 1996.

**ADDRESSES:** Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AE–17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document of December 5, 1995, are available for inspection at the following address: (It is recommended that you telephone John Summerhays at (312) 886–6067, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AE–17J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6067.

**SUPPLEMENTARY INFORMATION:**

I. Background

Ohio submitted major revisions to its particulate matter regulations on November 14, 1991, with supplemental submittals on December 4, 1991, and January 8, 1992. USEPA proposed rulemaking on these submittals on August 3, 1993, at 58 FR 41218, and published a notice of final rulemaking on May 27, 1994, at 59 FR 27464, granting limited approval/limited disapproval of these submittals. Although USEPA approved most of Ohio's regulations, USEPA concluded that selected requirements of the Clean Air Act applicable to the two Ohio nonattainment areas, i.e., Cuyahoga County (including Cleveland) and the Steubenville area, were not satisfied. This represented a disapproval finding under Section 179(a)(2) and initiated a ''clock'' toward imposition of sanctions in these areas under Section 179(b).

Ohio submitted further revisions to its particulate matter plans on November 3, 1995, seeking to remedy the deficiencies identified in USEPA's May 1994 rulemaking. Today's notice discusses and proposes action on Ohio's November 1995 submittal.

Ohio conducted a public hearing in connection with its Cuyahoga County rule revisions but has not yet conducted a public hearing with respect to revisions to the Steubenville area attainment demonstration. USEPA has concluded that proposed rulemaking is warranted for both areas' plan revisions. However, with respect to the Steubenville area plan revisions, USEPA will publish final rulemaking only after Ohio has solicited public comments and submitted evidence that any such comments have been appropriately considered.

II. Cuyahoga County Issues

USEPA's rulemaking for the Cuyahoga County plan identified two main deficiencies. First, the requirement for implementing reasonably available control technology (RACT) by December 10, 1993, was not satisfied, because the plan neither implemented all technologically reasonable measures (the ''technology definition'' of RACT) nor implemented sufficient measures to assure expeditious attainment (the ''attainment definition'' of RACT) by that date. Under this latter option, if the State has adopted sufficient measures to assure attainment by December 10, 1993, and application of further measures would not result in earlier attainment, USEPA may conclude that the State has required all measures that are reasonable to require. Further discussion of these alternatives for satisfying the requirement for RACT under Section 189(a)(1)(C) is given in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' published in the Federal Register of April 16, 1992. (See 57 FR 13543.) Second, Ohio's plan did not fully satisfy the requirement for assuring attainment by the attainment deadline, as a result of questions about the ability to enforce limits on emissions from coke quenching due to deficiencies in the test method.

Ohio addressed the RACT issue by revising its rules such that all compliance deadlines that were previously post-December 1993 were changed to December 10, 1993. These rule revisions were accompanied by minor shifts in limitations applicable to various units at Ford's Cleveland Casting Plant. Ohio's submittal provides modeling evidence that the revised limits provide for attainment by December 1993, and thus implicitly argues that the ''attainment definition'' of RACT is satisfied.

The modeling in Ohio's submittal is essentially identical to the modeling submitted in Ohio's original 1991 SIP submittal, with the exception of course of reflecting the modified limitations. USEPA concluded in 1994 that Ohio's modeling satisfied applicable guidance. Relevant guidance has in general remained the same, except that a new version of the applicable model has become available subsequent to the 1991 submittal, i.e., the original Industrial Source Complex (ISC) model has been superseded first with the ISC2 model and then with the ISC3 model.

There are several reasons to ''grandfather'' Ohio's use of the ISC model. First, the limits being evaluated are not a new set of limits but rather reflect only a minor shift of limits for a small subset of the modeled sources. Second, the modeling submitted in November 1995 was completed in April 1993 and was part of a series of analyses starting in 1990 or 1991. Third, according to modeling conducted by USEPA in evaluating Ohio's 1991 submittal, ISC2 predicts lower concentrations than ISC in the vicinity of Ford's Cleveland Casting Plant. (This finding is documented in a technical support document dated February 8, 1993.) ISC3 would also be expected to estimate concentrations below those of ISC. For all these reasons, it is appropriate to grandfather this analysis. Thus, in sum, the modeling analysis is judged to fully satisfy current guidance.

This modeling shows a design value of 149.5 micrograms per cubic meter ($\mu g/m^3$), thus showing attainment of the 150 $\mu g/m^3$ 24-hour average standard given in 40 CFR 50.6(a). Although the recent submittal did not assess attainment of the annual average standard, the changes in emissions limits are sufficiently insignificant and the attainment margin in Ohio's 1991 submittal is sufficient (a nearby design value of 38.5 $\mu g/m^3$ versus the standard of 50 $\mu g/m^3$ given in 40 CFR 50.6(b)) that the revised limits are also judged to assure attainment of the annual average standard. Since the measures that are providing for attainment are to have been in place by December 1993, Ohio's revised plan also satisfies the requirement for RACT implementation by that date.

The second issue in Cuyahoga County pertains to the test method for one of the limitations governing metallurgical coke-making facilities. The particular limitation at issue is the limit on the solids content of water used to quench hot coke, a process that causes particulate matter emissions in relation to the quench water solids content. The test method in the rules Ohio submitted in 1991 provided for monthly averaging of water quality based on one water sample per week, which does not adequately assure continuous compliance with the limitation. Ohio's November 1995 submittal includes a revised rule which requires weekly averaging based on samples for at least

five days per week, which is in accordance with standard practice for such limits. Given that quench water quality generally varies slowly, this revision is sufficient to provide adequate assurance of continuous compliance with this limitation. Since the attainment demonstration is based on allowable emissions, this revision also addresses the prior concern with the area's attainment demonstration, insofar as USEPA can now enforce a limit consistent with the previously modeled allowable emission rate. In sum, Ohio's revisions address the previously noted deficiencies and make the Cuyahoga County plan fully satisfy applicable requirements.

III. Steubenville Area Issues

USEPA's limited disapproval of the SIP for Ohio's portion of the Steubenville area was based on deficiencies in the attainment demonstration. The May 1994 Federal Register included lengthy discussion of deficiencies in the estimation of allowable emissions from the basic oxygen furnace shop and from the coke ovens. The Federal Register also noted that further deficiencies were identified in the technical support document, which noted deficiencies in modeling procedures used to demonstrate attainment as well as other deficiencies in estimating allowable emissions.

The most significant deficiency in emissions estimation was the underestimation of allowable fugitive emissions for Wheeling-Pittsburgh Steel Corporation's basic oxygen furnace shop. These fugitive emissions are limited by Ohio's rules to 20 percent opacity on a 3-minute average basis. Unfortunately, there is uncertainty in how much emissions this limit allows. Ohio's 1991 submittal assumed that the primary control system captured 99.5 percent of emissions from oxygen blowing in the furnaces and that less than a third of the remaining 0.5 percent was actually emitted, with the remaining uncaptured emissions apparently presumed to settle within the shop. The control system at the time was judged inadequate to achieve that high a capture efficiency, and settling was judged not to affect fine particulate matter emissions significantly. Nevertheless, it was unclear whether the rule's limits could be met by the existing control system or whether allowable emissions should be assumed to reflect enhancement of the control system.

The existing control system at the basic oxygen furnace shop has proved inadequate to assure compliance with the 20 percent/3-minute average limit. Therefore, Ohio undertook enforcement action and issued an administrative order that requires significant improvements in the control system to achieve compliance. This administrative order was included in Ohio's November 1995 submittal. A review of the anticipated effectiveness of the required control system supports Ohio's assumption that the 20 percent/3-minute average limit and the administrative order implementing that limit requires 99.5 percent emissions capture at this shop. Ohio's new submittal also removes the unacceptable assumption that any uncaptured emissions of fine particles settle in the shop or otherwise fail to be emitted. The emissions estimate developed by Ohio considering the control system enhancement required by the submitted administrative order is acceptable.

The second emission estimation issue discussed in the May 1994 Federal Register concerned coke oven emissions. The procedure used by Ohio relied on equations provided in the background information document for the coke oven National Emission Standards for Hazardous Air Pollutant (NESHAP) relating fugitive emissions to leak levels. USEPA objected to the use in these equations of actual leak rates (reflecting long term average actual leak rates expected to correspond to various short term allowable leak rates) rather than the allowable leak rates. Calculation errors were also noted in the calculation of the fine particle fraction of these emissions, effectively making an improper assumption that much of the condensible particulate matter emitted by these operations is not fine particles. The November 1995 submittal corrects these problems and provides fully acceptable estimates of allowable coke oven emissions.

The technical support document for the prior rulemaking also identified other issues relating to emissions estimation, including consideration of condensible particulate matter emissions, need for support of a low silt content used in estimating emissions from blast furnace material storage piles, and the use of a higher allowable emission rate that applies to certain boilers when firing residual oil. Ohio's November 1995 submittal responded to these issues where necessary. These issues are discussed in detail in the technical support document for this rulemaking. In addition, USEPA review of the significance of these issues is summarized below.

The May 1994 rulemaking also identified two deficiencies relating to modeling. First, the State's prior modeling analysis did not properly consider intermediate terrain. USEPA's intermediate terrain policy requires that for any hour that a receptor is above stack height but below plume height for a given source, both simple terrain modeling and complex terrain modeling should be conducted and the more conservative (higher) concentration estimate used. Ohio's prior submittal included only a limited analysis, indicating that the more conservative results were usually obtained from simple terrain modeling but were occasionally obtained from complex terrain modeling. Second, the State analyzed area source impacts using the RAM model, a model which is inappropriate in areas such as Steubenville that are categorized under modeling guidance as ''rural.''

Ohio addressed both of these issues by submitting an updated analysis using the ISC3 model. This model inherently implements USEPA's intermediate terrain policy by automatically performing both simple terrain modeling and complex terrain modeling for any hour for any source-receptor combination that involves intermediate terrain. This model also has an upgraded algorithm for analyzing the impacts of area sources for either ''urban'' or ''rural'' settings. Therefore, the use of this model satisfies the above concerns.

Ohio's analysis reflected selected additional revisions. Although the new analysis was based on the same underlying meteorological measurements (i.e., 12 months of measurements in 1989/1990 at a tower in Follansbee, West Virginia), the data were processed with an updated meteorological data processor (i.e., the Meteorological Processor for Regulatory Models) that was not available previously. This newer processor in some cases estimated different values for some derived parameters such as stability. This analysis also reflected correction of various source parameters such as erroneous source locations, misrepresented distributions of selected area sources, and understated efficiency of road dust control at one source. These revisions are all acceptable.

For some issues, the information provided by Ohio was not included in the modeling analysis. In order to assess the significance of these issues, USEPA conducted further, supplemental model runs. These supplemental runs are discussed further in the technical support document and use the same modeling approach and inputs as Ohio except for inclusion of emission estimates reflecting the minor inventory issues referenced above. As compared to the 24-hour average standard of 150 μg/

$m^3$, the State's modeling shows a design 24-hour average concentration of 148.7 $\mu g/m^3$, and USEPA's supplemental modeling shows a design concentration of 149.9 $\mu g/m^3$. As compared to the annual average standard of 50 $\mu g/m^3$, Ohio's modeling shows a highest concentration of 49.6 $\mu g/m^3$, and USEPA's supplemental modeling also shows a highest concentration of 49.6 $\mu g/m^3$. Thus, with or without consideration of the minor inventory issues, Ohio's plan may be judged to assure attainment of the air quality standards in the Steubenville area.

IV. Today's Action

With respect to Cuyahoga County, USEPA proposes to conclude that the revised rules now provide for RACT by December 1993, that the quench water test method issue and the associated attainment demonstration issue has been resolved, and that the further revisions to the limitation for Ford's Cleveland Casting Plant do not jeopardize attainment. With respect to the Steubenville area, USEPA proposes to conclude that the State has now submitted a fully approvable attainment demonstration for the area. USEPA also proposes in particular to approve the rule revisions for Cuyahoga County and the findings and order requiring control system enhancements at Wheeling-Pittsburgh Steel's basic oxygen furnace.

Based on the above proposed findings, USEPA proposes further to conclude that Ohio's particulate matter plans for the Cuyahoga County and Steubenville nonattainment areas now satisfy all applicable requirements under Part D of the Clean Air Act (except for new source review requirements, which are not addressed here or in the May 1994 rulemaking and are being addressed separately). More specifically, USEPA proposes to find that the deficiencies identified in the May 1994 rulemaking have been remedied. USEPA is publishing this finding as an interim final determination in a separate notice in the Rules section of this Federal Register issue. As a result, the sanctions which were to take effect December 27, 1995, are deferred and shall not be applied pending further rulemaking on these issues. If USEPA's final action finalizes the approval action proposed today, the sanctions clock shall be fully stopped. Only if USEPA publishes proposed or final disapproval action concluding that some deficiencies have not been remedied would sanctions be applied.

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

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

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

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

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

EPA has determined that the approval action proposed today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Air Pollution control, Environmental protection, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: December 13, 1995.

Gail C. Ginsburg,

*Acting Regional Administrator.*

[FR Doc. 96–876 Filed 1–22–96; 8:45 am]

BILLING CODE 6560–50–P

## 40 CFR Part 136

**[FRL–5401–7]**

## Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Total Petroleum Hydrocarbons

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This proposed regulation would amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under section 304(h) of the Clean Water Act to replace existing gravimetric test procedures for the conventional pollutant ''oil and grease'' (40 CFR 401.16) with EPA Method 1664 as part of EPA's effort to reduce dependency on the use of chlorofluorocarbons (CFCs). Method 1664 uses normal hexane (n-hexane) as the extraction solvent in place of 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113; Freon-113). CFC–113 is used in currently approved 40 CFR Part 136 methods for the determination of oil and grease. These methods are EPA Method 413.1 in Methods for Chemical Analysis of Water and Wastes (EPA–600/4–79–020) and Method 5520B in Standard Methods for the Examination of Water and Wastewater, 18th edition. This proposal would withdraw approval of Methods 413.1 and 5520B to preclude the unacceptable inconsistency between results produced by such methods and proposed Method 1664. In an effort to provide for the use and depletion of existing laboratory stocks of Freon-113, EPA plans to implement the required use of Method 1664 no sooner than six months after the final rule is published in the Federal Register. Method 1664 is also being proposed for the determination of total petroleum hydrocarbons.

**DATES:** Comments on this proposal must be submitted on or before March 25, 1996.

**ADDRESSES:** Send written comments on the proposed rule to ''Method 1664'' Comment Clerk; Water Docket MC–4101; Environmental Protection Agency; 401 M Street, SW.; Washington, DC 20460. Commenters are requested to submit any references cited in their comments. Commenters are also requested to submit an original and 3 copies of their written comments and enclosures. Commenters who want receipt of their comments acknowledged should include a self addressed, stamped envelope. All comments must be postmarked or delivered by hand by March 25, 1996. No facsimiles (faxes) will be accepted.

Data available: A copy of the comments and supporting documents cited in this proposal are available for review at EPA's Water Docket; 401 M Street, S.W., Washington, DC 20460. For access to the Docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment.

Electronic versions of Method 1664 will be available via the Internet. EPA operates a ''public access server,'' also known as ''Earth 1,'' through which EPA will include all of the ways that copies of the test method manual are available. The Office of Water will put the directions about electronic retrieval of the test method manual on EPA's Internet ''homepage.'' By doing so, persons interested in electronic copies of the method may obtain copies by either (1) retrieving the documents from EPA's file transfer protocol (FTP) site on the Internet at ftp.epa.gov or gopher.epa.gov (2) retrieving the documents by dial-in access at 919–558–0335.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Honaker, Engineering and Analysis Division (4303), USEPA Office of Science and Technology, 401 M Street, S.W., Washington, DC, 20460, or call (202) 260–2272.

**SUPPLEMENTARY INFORMATION:**

## I. Authority

### *A. Clean Water Act*

Today's proposal is pursuant to the authority of sections 301, 304(h), and 501(a) of the Clean Water Act (CWA), 33 U.S.C. 1314(h), 1361(a) (the ''Act''). Section 301 of the Act prohibits the discharge of any pollutant into navigable waters unless the discharge complies with an NPDES permit, issued under section 402 of the Act. Section 304(h) of the Act requires the Administrator of the EPA to ''promulgate guidelines establishing test procedures for the analysis of pollutants that shall include the factors which must be provided in any certification pursuant to section 401 of this Act or permit applications pursuant to section 402 of this Act.'' Section 501(a) of the Act authorizes the Administrator to ''prescribe such regulations as are necessary to carry out his function under this Act.''

The Administrator also has made these test methods applicable to monitoring and reporting of NPDES permits (40 CFR part 122, §§ 122.21, 122.41, 122.44, and 123.25), and implementation of the pretreatment standards issued under section 307 of the Act (40 CFR part 403, §§ 403.10 and 402.12).

### *B. Clean Air Act Amendments of 1990*

Today's proposal is also consistent with sections 604, 606 and 608 of the 1990 Clean Air Act Amendments (CAAA) to phase out production of Class I CFCs and reduce use and emissions of Class I CFCs to the lowest achievable level, and with section 613 of the CAAA to reduce the Federal procurement of products and services that employ Class I CFCs.

## II. Background and History

### *A. Oil and Grease and Petroleum Hydrocarbons Testing*

The background and history of the applicability of EPA's Stratospheric Ozone Protection Program to analytical methods requiring the use of CFCs in EPA regulatory programs was given in an earlier proposal of an alternate test procedure for the determination of oil and grease (56 FR 30519–30520, July 3, 1991).

As stated in the earlier proposal, preliminary efforts to find a suitable replacement solvent for Freon-113 in the determination of oil and grease were conducted by the Office of Research and Development's Environmental Monitoring Systems Laboratory in Cincinnati, Ohio (EMSL-Ci). Results of that study, presented in the document titled A Study to Select a Suitable Replacement Solvent for Freon-113 in the Gravimetric Determination of Oil and Grease by F.K. Kawahara, October 2, 1991, suggested the use of an 80/20 mixture of n-hexane and methyl tertiary butyl ether (MTBE) in place of Freon-113 for oil and grease determination. This led to the proposal (56 FR 30519–30524, July 3, 1991) to replace Freon-113 with the n-hexane:MTBE mixture in CWA and RCRA analytical methods for determination of oil and grease. Based on comments received concerning this proposal, the EMSL-Ci study results, and the need to further investigate alternative solvents, the Office of Water and the Office of Solid Waste initiated a multi-phase Freon Replacement Study.

#### 1. Phase I of the Freon Replacement Study

Phase I of the Freon Replacement Study evaluated alternative solvents and extraction systems for equivalency to the results produced by Freon-113 across a range of real world effluent and solid waste samples from a variety of industrial categories. More specifically, Phase I focused on (1) the use of five alternative solvents for gravimetric determination of oil and grease in aqueous samples by MCAWW Method 413.1 (with modifications) and in solid samples by SW–846 Method 9071A (with modifications) and (2) the use of alternative techniques for oil and grease analysis including sonication extraction, solid phase extraction (SPE) using cartridges and disks, and a solvent/non-dispersive infrared technique. The five alternative solvents studied in Phase I were n-hexane, methylene chloride (dichloromethane), perchloroethylene (tetrachloroethene), DuPont 123 (2,2-dichloro-1,1,1-trifluoroethane, a hydrofluorochlorocarbon), and the n-hexane:MTBE 80:20 mixture.

Results of the tests of gravimetric procedures in Phase I yielded the following conclusions: n-hexane should be retained as a possible extraction solvent for further study using gravimetric techniques; perchloroethylene should be retained for consideration in the use of infra-red techniques; and cyclohexane should be introduced for consideration with gravimetric techniques based on its similarity to n-hexane and because of its lower neurotoxicity when compared to n-hexane.

Results of tests of alternative techniques in Phase I indicated that only sonication extraction of soil and other solids-containing samples produced results equivalent to existing techniques that use Freon-113. Specifics of the study design, results, and conclusions can be found in the Preliminary Report of EPA Efforts to Replace Freon for the Determination of Oil and Grease, September 1993, that is included in the docket.

Prior to the commencement of Phase II of the study, two public workshops were held, one on May 4, 1993, in Norfolk, VA and the other on June 30, 1993, in Boston, MA. The objectives of these workshops were to inform interested parties of the results from Phase I and related studies, and to

provide a forum for the discussion of results, issues, and possible solutions to the problem of finding a non-ozone-depleting substance that would produce results identical to the results produced by CFC–113. Detailed records of the information presented, which included data from EPA, vendor, and laboratory representatives, as well as the proceedings of the question and answer sessions, can be found in the reports entitled Oil and Grease Workshop, Norfolk, Virginia, May 4, 1993 and Oil and Grease Workshop, Boston, Massachusetts, June 30, 1993 that are also included in the docket for today's proposed rule.

2. Phase II of the Freon Replacement Study

Based on the conclusions of Phase I of the Freon Replacement Study, Phase II was designed to further assess the use of n-hexane as a replacement solvent and to evaluate the use of cyclohexane as a replacement solvent for oil and grease determination in aqueous samples by MCAWW Method 413.1, with modifications to allow for solvent densities less than the density of water. In addition, gravimetric determination of ''petroleum hydrocarbons'' was evaluated by subjecting the extracted oil and grease samples to the silica gel adsorption procedure in Standard Methods for the Examination of Water and Wastewater (Standard Methods) 5520F (with modifications). This procedure removes non-aliphatic hydrocarbons such as detergents, surfactants, fatty acids, aromatic hydrocarbons, heterocyclics, and some chemical compounds containing nitrogen, phosphorus, and sulfur.

The final objectives of the Phase II study were to utilize these results and comments to choose a replacement solvent and to document the analytical protocol implemented to produce the first draft of Method 1664 (the ''Method'') for gravimetric determination of oil and grease and petroleum hydrocarbons. Following the formal documentation of the Method, a further objective was to initiate an interlaboratory study using the new method in order to characterize the method and generate method specifications in the form of quality control (QC) acceptance criteria.

A total of 34 samples from a combination of in-process and effluent waste streams were collected from 25 facilities encompassing 16 different industrial categories. Samples containing between 40–300 mg/L oil and grease, some from petroleum and some from non-petroleum sources, were collected. The study focused on this concentration range to avoid the problems associated with the comparison and evaluation of ''non-detect'' results. In order to increase the types of matrices that could be analyzed using the Method and better assess the effect of different matrices on solvent extraction performance, the Agency collected samples from a variety of industrial facilities that were different from those collected during Phase I of the study.

Analysis of each sample was performed in triplicate for each of the three extraction solvents. Prior to the analysis of field samples, the evaluating laboratory was required to demonstrate its ability to generate acceptable accuracy and precision for each of the required procedures by performing a series of initial precision and recovery (IPR) analyses for determination of oil and grease and petroleum hydrocarbons using Freon-113, n-hexane, and cyclohexane as extraction solvents. IPR analyses involved extraction, concentration, and analysis of a set of four 1–L aliquots of reagent water that had been spiked with hexadecane and stearic acid. All IPR analyses included modifications necessary to allow for differences in solvent densities and other modifications necessary to apply Method 413.1 and Standard Method 5520F to the alternative solvents, in order to evaluate any effects that might result from the modified procedures.

An ongoing precision and recovery (OPR) analysis, the equivalent of a single IPR sample, was required with each analytical batch for each alternative solvent. An analytical batch consisted of a set of samples extracted at the same time, to a maximum of ten samples.

In addition, a reagent water method blank was analyzed with each IPR set and with each sample batch for each alternative solvent. These reagent water blanks were run through the same extraction and analysis procedure through which the samples were run. The analytical protocol required that the concentration of oil and grease in method blanks not exceed 5 mg/L and, if contamination above this level was detected in any method blank, the laboratory was required to isolate the source of contamination and reanalyze associated samples.

Multiple aliquots of each sample were collected in order to accommodate the numerous analyses required. The multiple aliquots were split from a homogenized sample and, to the extent practicable, contained identical concentrations of oil and grease. Within each of the three different solvent procedures and two modified methods (413.1 and 5520F), it was expected that the relative standard deviation (RSD) of the triplicate measurements would be less than or equal to 10 percent for those results at or above 25 mg/L and less than or equal to 20 percent for those results less than 25 mg/L. The evaluating laboratory was required to notify EPA if the triplicate results exceeded these RSDs.

Addition of these QC requirements and data quality objectives to the usual method protocol, and careful monitoring of the analytical techniques ensured that reliable data were produced.

Alternative analytical techniques were also evaluated. These techniques were performed voluntarily by manufacturers of various devices on splits of samples collected as part of Phase II. EPA supplied additional volumes of each sample collected during the Phase II study to a number of vendors that tested alternative oil and grease extraction and measurement techniques similar to those tested in the Phase I study. These included solid phase extraction using cartridges and disks, non-dispersive infrared spectroscopy, and immunoassay.

Evaluation of Phase II data led to the conclusion that the results generated when using n-hexane and cyclohexane were statistically equivalent to one another, but that these results were significantly different from results generated when using Freon-113 as the extraction solvent. These findings were consistent with the Phase I study conclusion that, when all sample matrices are collectively considered, none of the solvents that were evaluated was statistically equivalent to Freon-113. Specifics of the study design, results, and conclusions are included in the Report of EPA Efforts to Replace Freon for the Determination of Oil and Grease and Total Petroleum Hydrocarbons: Phase II, April 1995, that is included in the docket.

The decision of which alternative solvent was best suited for the new method was therefore based on logistical analytical considerations, of which the primary factor was the difference between the boiling points of n-hexane (69 °C) and cyclohexane (81 °C). Based on laboratory comments regarding the extensive amount of time required to evaporate cyclohexane, n-hexane was determined to be a more suitable replacement for Freon-113.

Evaluation of vendor data was limited to the SPE disk and column extraction techniques with gravimetric determination, and demonstrated that results from both of the SPE techniques were not statistically equivalent to

results produced by either Freon-113 or n-hexane using separatory funnel extraction and gravimetric determination.

Results from the non-dispersive infrared and immunoassay analyses were not considered for this proposal because they represent completely different determinative techniques. EPA is, however, planning to further evaluate these techniques and consider other promising procedures in subsequent studies.

Though written as a separatory funnel extraction procedure, Method 1664 allows the use of alternative extraction and concentration techniques, such as SPE, under the performance-based option, provided that these techniques produce results that meet the specifications in Method 1664 when tested using reference standards and, when used for compliance monitoring, produce results equivalent to results produced by Method 1664 on the specific discharge to which they are to be applied.

The Agency solicits additional comparative data and information on SPE techniques and other alternative extraction and concentration techniques, and on the proposal to allow these techniques under the performance-based option in Method 1664. EPA is particularly interested in comparative data produced from alternative techniques and separatory funnel extraction with gravimetric determination when both techniques are concurrently applied to a given wastewater discharge.

The final product of Phase II was Method 1664, which uses n-hexane as the extraction solvent. Between April and September, 1994, the March 29, 1994 draft version of the Method was distributed extensively at several conferences and workshops and in response to requests to EPA.

EPA encouraged reviewers to submit any questions, clarifications, data, or issues for consideration in updating the Method for this proposal. As part of the effort to collect information from interested parties, a questionnaire pertaining to Phase II of the Freon Replacement Study and the content of Method 1664 was distributed on May 4, 1994 at EPA's 17th Annual Conference on Analysis of Pollutants in the Environment. EPA also collected information from studies performed by industry representatives, including a report produced by the American Petroleum Institute titled Method Development and Freon-113 Replacement in the Analysis of Oil and Grease in Petroleum Industry Samples, and a presentation delivered by Dave Clampitt from the Uniform & Textile Service Association at EPA's 17th Annual Conference on Analysis of Pollutants in the Environment titled Impact of Detergents on the Determination of Oil and Grease by Gravimetric and Infra-red Analysis. Comments received as a result of these efforts were reviewed and considered when revising Method 1664 to produce the April 1995 version being proposed today. These comments are included in the docket.

The quality control acceptance criteria in Method 1664 were derived from the Phase II results and the results from an interlaboratory study conducted by 11 laboratories belonging to the Twin City Round Robin Group. In addition, Method Detection Limit (MDL) studies were performed to determine the MDL and minimum level (ML) specifications included in the version of the Method being proposed today. Details of these studies are included in the docket as part of the document titled Report of the Method 1664 Validation Studies, April 1995.

### *B. N-Hexane as the Extraction Solvent*

In the process of deciding upon the most suitable extraction solvent for replacement of Freon-113, EPA considered the potential effects of the new solvent on compliance monitoring, logistics, and health and safety concerns. Of all the solvents evaluated in the Freon Replacement Study, n-hexane was the most appropriate choice for the following reasons: (1) It had been previously used as the extraction solvent for permit compliance analysis of oil and grease and TPH prior to the advent of Freon-113, (2) EPA Phase I and Phase II studies indicated that n-hexane produces results that are as or more comparable to Freon-113 results than other solvents (although no solvent produced results exactly equivalent to Freon-113), and (3) the Phase II study showed that there was no significant difference in results produced by n-hexane and Freon-113 for the analysis of reagent water samples spiked with reference standards. In addition, a comparison of the Phase I and Phase II data suggests that any change in oil and grease concentration that may result from using n-hexane instead of Freon-113 would be overshadowed by the variability that was observed in the currently approved Freon methods that did not impose these thorough QC requirements.

Once the solvent choices had been narrowed to cyclohexane and n-hexane, and the results of Phase II indicated that both solvents produced equivalent results, the decision was based on more pragmatic issues. Of concern was the neurotoxicity of n-hexane compared to cyclohexane and the cost of the two solvents. EPA compared the Occupational Safety and Health Administration (OSHA) permissible exposure limits (PELs) for cyclohexane and n-hexane. This comparison showed that n-hexane is only 1.7 times more toxic than cyclohexane and that the time weighted average (TWA) for n-hexane is 300 ppm, compared to 500 ppm for cyclohexane. TWA is defined as the average airborne exposure that shall not be exceeded in any 8-hour work shift of a 40-hour work week. Based on these figures, the toxicity of n-hexane is not appreciably higher than that of cyclohexane and can be minimized by implementing effective safety controls and procedures in the occupational setting.

An examination of the relative costs of n-hexane and cyclohexane revealed that cyclohexane costs approximately 17 percent more than n-hexane from the four suppliers surveyed.

Based on the solvent evaporation time issue presented in the discussion on Phase II of the Freon Replacement Study and the cost considerations detailed above, n-hexane was selected over cyclohexane as the solvent to replace Freon-113.

## III. Summary of Proposed Rule

### *A. Introduction*

This proposed rule would allow the use of EPA Method 1664 for the determination of ''oil and grease'' and ''total petroleum hydrocarbons'', and would withdraw approval of EPA Method 413.1 and Standard Method 5520B. Though on May 10, 1995, a global exemption for laboratory and analytical essential uses of CFCs was granted for the 1996 and 1997 control periods (60 FR 24970), this proposed rule will nonetheless provide for the elimination of the use of Freon-113 because of the unacceptable inconsistencies that would be created by allowing analytical methods employing two different solvents for determination of oil and grease. The proposed replacement method, Method 1664: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons), April 1995, is a gravimetric procedure applicable to aqueous matrices for the determination of n-hexane extractable material and silica gel treated n-hexane extractable material (oil and grease and total petroleum hydrocarbons, respectively). The proposed method contains more

thorough QA/QC procedures than the Freon methods proposed for withdrawal.

''Oil and Grease'' is a conventional pollutant defined in the Clean Water Act and codified at 40 CFR 401.16. The term ''n-hexane extractable material'' (HEM) reflects the fact that this method can be applied to materials other than oils and greases. Similarly, the term ''silica gel treated n-hexane extractable material'' (SGT-HEM) reflects that this method can be applied to materials other than aliphatic petroleum hydrocarbons that are not adsorbed by silica gel.

Method 1664 is a performance-based method that allows alternative extraction and concentration techniques, provided that equivalent performance can be demonstrated using reference standards and by complying with all performance specifications given in the Method.

*B. Summary of Proposed Method 1664*

For determination of n-hexane extractable material (HEM), samples are acidified to pH <2 and serially extracted three times with 30-mL portions of n-hexane in a separatory funnel. The extract is filtered through sodium sulfate to remove residual water, and the solvent is evaporated by heating with a steam or water bath. The HEM that remains is weighed and the concentration calculated in mg/L.

For determination of silica gel treated n-hexane extractable material (SGT-HEM), the HEM is redissolved in n-hexane, and silica gel is added to remove adsorbable materials. The amount of silica gel added is proportional to the amount of HEM. The solution is filtered to remove the silica gel, the solvent is evaporated by heating, and the SGT-HEM is weighed to produce the concentration in mg/L.

*C. Method Quality Control*

The quality control criteria incorporated into the Method exceeds and improves upon that of the currently approved 40 CFR Part 136 oil and grease methods, and is consistent with the 40 CFR 136 Appendix A protocol for determination of organic analytes. Initial demonstrations of laboratory capability are required and consist of (1) a method detection limit (MDL) study to demonstrate that the laboratory is able to achieve the MDL and ML specified in the Method, and (2) an initial precision and recovery (IPR) test consisting of the analysis of four spiked reagent water samples to demonstrate the laboratory's ability to generate acceptable precision and accuracy.

An important component of these and other QC tests required in Method 1664 is the use of hexadecane and stearic acid as the reference standards for spiking. Hexadecane was chosen to simulate petroleum hydrocarbons; stearic acid was chosen to simulate animal fats and detergents, and serves to test the effects of the silica gel procedure. The use of standards of known composition and purity, which are not a requirement of the currently approved gravimetric methods for the determination of oil and grease, allows for more accurate determination of recovery and precision and minimizes variability that may be introduced from spiking with substances such as Wesson oil, #2 fuel oil, mineral oil, etc. that are comprised of unknown proportions of substances.

Routine quality control consists of an initial two point calibration of the analytical balance, and the following tests that must accompany each analytical batch (the set of samples extracted at the same time, to a maximum of 10 samples):

- Analysis of a matrix spike (MS) and matrix spike duplicate (MSD) to demonstrate method accuracy and precision, and to monitor matrix interferences. Hexadecane and stearic acid are the reference standards used for spiking.
- Analysis of a laboratory blank to demonstrate freedom from contamination.
- Verification of calibration of the analytical balance, to demonstrate that measurements are in control.
- Analysis of an ongoing precision and recovery (OPR) sample to demonstrate that the analysis system is in control and acceptable precision and accuracy is being maintained with each analytical batch. The OPR sample consists of reagent water spiked with hexadecane and stearic acid. It is the equivalent of one of the IPR samples.

The laboratory is required to meet the acceptance criteria listed in Method 1664 for these quality control tests and is encouraged to monitor performance over time to identify and anticipate problems or improvements to the procedure.

Aside from the use of a solvent other than Freon-113, the most significant difference between Method 1664 and approved and existing methods used for oil and grease and petroleum hydrocarbons determinations is that Method 1664 contains an extensive QA/QC program that allows the data user to evaluate the quality of the results. This promotes a consistent, careful evaluation of the data generated that increases the reliability of results produced by HEM and SGT–HEM determinations, and provides a means for laboratories and data users to monitor analytical performance, thereby providing a basis for sound, defensible data.

*D. Performance Based Approach*

To allow for advances in technology and reductions in the cost of analyses, Method 1664 is performance-based. Alternate extraction and concentration procedures are permitted as long as the equivalency procedures in the Method are followed and all QC acceptance criteria are met. The equivalency procedures consist of performing the IPR test using reference standards to demonstrate that the results produced with the modified procedure meet the specifications in Method 1664. In addition, if the detection limit will be affected by the modification, performance of an MDL study is required to demonstrate that the modified procedure can achieve an MDL less than or equal to the MDL in the Method or, for those instances in which the regulatory compliance level is greater than the Minimum Level in the Method, one-third the regulatory compliance level, whichever is higher.

If the performance-based option is to be applied to analyses for compliance monitoring, the discharger must demonstrate that the modified method produces results equivalent to those produced by Method 1664 for each specific discharge. The reason that this additional demonstration over and above the demonstration of equivalency with reference standards is required is that the possibility exists that Method 1664 and the modified method may produce equivalent results with reference standards but not produce equivalent results when the discharge is analyzed. Both Phase I and Phase II of the Freon Replacement Study demonstrated that results produced by other solvents are not equivalent to the results produced by Freon-113 when comparative tests are performed on discharges. EPA is concerned that the amount of material extracted from a discharge by a modified method will not be equivalent to the amount of material extracted by Method 1664. If the amount of material extracted is less when the modified method is used, the amount discharged could be greater before a violation would occur. Similarly, if the amount of material extracted is greater when the modified method is used, the amount discharged would need to be less to prevent a violation. The requirement to verify the equivalence of the modified method to Method 1664 assures that the modified method and

Method 1664 exhibit equivalent performance on the specific discharge.

For those instances in which the results from the equivalence study of field samples are below the Minimum Level, and the test of the modified method is passed for spikes of reference standards into reagent water, the modified method is deemed to be equivalent to this method for determining HEM and/or SGT–HEM on that specific discharge. This allowance is based on the reasoning that the level of material in this discharge will be so low that it is unlikely a violation will ever occur with this discharge and, consequently, small differences in the amount measured with the modified method as compared to Method 1664 will be negligible.

The procedure required to demonstrate equivalency consists of the following: (1) Two sets of four one-liter aliquots of a specific discharge are collected for analysis—one set is analyzed according to Method 1664—the other set is analyzed according to the modified procedure, (2) the average percent recovery of HEM and/or SGT–HEM is calculated for each set of four analyses, and (3) the average percent recovery using the modified procedure must be 79–114 percent of the average percent recovery produced by Method 1664 for HEM and 66–114 percent of the average percent recovery produced by Method 1664 for SGT–HEM. Unless these criteria are met, the modified procedure cannot be used for compliance monitoring purposes.

Whether or not the modified procedure is applied to compliance monitoring, all modifications to the Method must be thoroughly documented and the documentation must be maintained in the format specified in Method 1664.

## IV. Method Validation and Precision and Recovery of the Proposed Test Method

The version of Method 1664 being proposed today is the product of revisions to the March 29, 1994 draft, and the October 1994 and January 1995 versions, and reflects consideration of numerous peer review comments, survey results, data from industry studies, results from an interlaboratory method validation study, and results from several EPA single-laboratory method detection limit (MDL) studies.

### *A. Precision and Recovery Studies*

The interlaboratory method validation study conducted by EPA consisted of tests of initial precision and recovery (IPR) and ongoing precision and recovery (OPR) in twelve different analytical testing laboratories. Data produced in this study were used to derive the QC acceptance criteria for precision and recovery that are specified in Table 1 of Method 1664. Details of the analyses and results are described in a document titled Report of the Method 1664 Validation Studies, April 1995.

One of the twelve laboratories participating in the validation study performed the QC analyses, which included one set of IPR analyses and 30 OPR analyses, as part of the n-hexane, cyclohexane, and Freon-113 comparisons for Phase II of the Freon Replacement Study. Since many of the techniques incorporated into Method 1664 evolved as this evaluating laboratory performed analyses under Phase II of the Freon Replacement Study, some of the work was developmental in nature. For example, the decision to use hexadecane and stearic acid as spiking standards required determination of an appropriate concentration as well as an appropriate solvent for the stock solution.

Another issue was the applicability of the silica gel extraction procedure to HEM concentrations in excess of 100 mg/L. The adsorptive capacity of silica gel needed to be studied in order to determine the amount of silica gel required to adsorb increasing concentrations of HEM. In addition, it was necessary to determine an appropriate cutoff for the maximum amount of silica gel that realistically could be used. Through a series of tests, it was determined that if more than 30 g of silica gel is used, the potential for contamination from substances in the silica gel increases.

Analysis of IPRs prior to sample analysis and continuing evaluation of the analytical system through OPR analyses were necessary to evaluate the potential effects of all procedural changes implemented as a result of this developmental work.

Results from the evaluating laboratory's analysis of real world samples supports the Method 1664 criteria derived from the method validation data. Because each field sample was analyzed in triplicate, the standard deviation of the replicate values could be derived. The mean relative standard deviation (RSD) across all analyses was 11.5 percent, thereby demonstrating the precision of Method 1664 on real world sample matrices.

The other eleven laboratories involved in method validation, working cooperatively as part of the Twin City Round Robin (TCRR) Group, performed IPR and OPR analyses for the determination of HEM by Method 1664. In addition to the QC analyses, this study consisted of the analysis of two sets of samples, one from a petroleum source and the other from a nonpetroleum source, in triplicate, for HEM. The mean RSD of the results across all laboratories and all samples was 9.5 percent, further demonstrating that Method 1664 is capable of producing precise results on real world samples. Results and evaluation of the TCRR study, including field sample analyses, are presented in the document titled Report of the Method 1664 Validation Studies, April 1995.

TCRR study participants submitted comments on the method, most of which focused on difficulties related to extracts containing excessive amounts of water and the longer time required for the evaporation of n-hexane. These issues have been addressed in the revision of Method 1664 being proposed today, the former by recommending more careful separation of the aqueous and solvent phases to avoid carryover of the water into the extract and that more sodium sulfate be used in the filtering process, and the latter by allowing the use of either a water bath or steam bath set at a temperature that results in evaporation of the solvent within 30 minutes.

Most laboratories in the interlaboratory study did not encounter difficulties with the analysis of IPR and OPR samples and were able to achieve acceptable recoveries of hexadecane and stearic acid. Statistical evaluation of the results from all twelve laboratories produced few outliers, indicating that Method 1664 is a reproducible procedure sufficiently reliable to be used by a variety of laboratories.

### *B. Development of Quality Control Acceptance Criteria*

As stated above, data from the TCRR interlaboratory study were combined with data from EPA's data gathering in Phase II to produce performance specifications in the form of quality control (QC) acceptance criteria for Method 1664. The development of these criteria are described in the Report of the Method 1664 Validation Studies, April 1995, included in the docket. Criteria were developed for initial precision and recovery (IPR), ongoing precision and recovery (OPR), and recovery of hexadecane and stearic acid spiked into samples (matrix spikes) for both HEM and SGT-HEM. For HEM, the IPR and OPR acceptance criteria were constructed using analysis of variance (ANOVA) statistics. The criteria for recovery of a matrix spike (MS) and for the relative percent difference between an MS and a matrix spike duplicate

(MSD) were transferred from the IPR and OPR criteria, since neither the TCRR study or EPA's data gathering efforts required the spiking of field samples. EPA believes that this transfer is acceptable because the determinative technique in Method 1664 is gravimetry, which is not susceptible to interferences, and because the treated effluent to which Method 1664 is to be applied in monitoring is nearly identical to the reagent water used in the IPR and OPR tests. EPA used a similar transfer of data for development of specifications for acceptance criteria in the organic methods promulgated at 40 CFR Part 136, Appendix A.

For SGT-HEM, EPA received results from only two laboratories. EPA used these data to construct preliminary acceptance criteria for SGT-HEM and widened these preliminary criteria to those of HEM in those instances in which the calculated SGT-HEM criteria were more stringent than those for HEM. The acceptance criteria were widened based on the knowledge that the determination of SGT-HEM follows the determination of HEM in Method 1664, and therefore the results for SGT-HEM is likely to be at least as variable as results for HEM.

EPA solicits data on the variability of the determination of HEM and SGT-HEM, particularly data from interlaboratory studies using either the March 29, 1994 version of Method 1664 that was distributed at various conferences, the October 1994 or January 1995 versions of Method 1664, or the April 1995 version that is cited in today's proposed rule and which is included in the docket.

*C. Method Detection Limit Studies*

To date, five single-laboratory method detection limit (MDL) studies have been performed as part of the effort to determine MDLs and MLs for HEM and SGT-HEM. Results of these studies are detailed in the document titled Report of the Method 1664 Validation Studies, April 1995. The MDL is defined as the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero. To determine the MDL, the laboratories were required to follow the procedure in Appendix B to 40 CFR Part 136. This procedure consists of the analysis of seven aliquots of reagent water that are spiked with the analyte(s) of interest. For EPA's MDL studies, the hexadecane and stearic acid specified in the quality control tests in Method 1664 were used. Spike levels were in the range of one to five times the estimated detection limit. The MDL is calculated by multiplying the standard deviation of the seven replicate analyses by the Student's t value for $(n-1)$ degrees of freedom, where n equals the number of replicates. The Student's t value for seven replicates is 3.143.

The Minimum Level is defined as the level at which the entire analytical system produces a recognizable signal and an acceptable calibration point, and is determined by multiplying the MDL by 3.18 and rounding the resulting value to the number nearest to (1, 2, or 5) $\times$ $10^n$, where n is an integer. The value ''3.18'' represents the ratio between the Student's t multiplier used to determine the MDL (3.143) and the 10 times multiplier used in the American Chemical Society (ACS) Limit of Quantitation (LOQ) (i.e., $10 \div 3.143 = 3.18$). For example, if the calculated MDL is 1.7, the ML will be equal to 1.7 times 3.18, which equals 5.1. Rounding to the number nearest to (1, 2, or 5) $\times$ $10^n$ establishes the ML at 5.0.

The first MDL study was performed in a commercial laboratory by an analyst at the Ph.D. level who has more than 20 years of experience in the determination of oil and grease and TPH. This study yielded an MDL of 0.91 mg/L and a resultant ML of 2 mg/L for HEM and an MDL of 1.6 mg/L and a resultant ML of 5 mg/L for SGT-HEM.

Based on the disparity between the results obtained by this laboratory and the lower limit of the range in Method 413.1, it was decided that a second MDL study should be conducted in another commercial laboratory to verify the values obtained in the first study.

The second MDL study was also performed by a laboratory experienced in the determination of oil and grease and TPH, though the analysts performing the study were not at the Ph.D. level. In order to move expeditiously, the laboratory was required to perform the second MDL study within 24 hours. An MDL of 5.4 mg/L and an ML of 20 mg/L for HEM, and an MDL of 2.6 mg/L and an ML of 10 mg/L for SGT-HEM was determined in the second MDL study.

The second laboratory was contacted to determine if they encountered difficulties in performing the study. They stated that the results were the best that could be obtained under the imposed 24 hour turn-around time constraint, and that they believed they could achieve lower MDLs given more time. Based on these circumstances, the Agency decided that the MDLs to be included in the October version of Method 1664 should be those representing the better performing laboratory. Therefore, the MDL and associated ML values from the original Method 1664 MDL study were incorporated into the October 1994 revision of the Method.

The high results produced in the second MDL study brought into question the reasonableness and effect of requiring a 24-hour turnaround. As a result, the second laboratory performed another MDL study (MDL study #3), this time without the turnaround constraint, and with the analytical objective to confirm the MDLs/MLs that had been obtained in the first MDL study. An MDL of 2.4 mg/L and an associated ML of 10 mg/L for HEM, and an MDL of 1.7 mg/L and an associated ML of 5 mg/L for SGT-HEM were obtained from this third MDL study. Although closer to the MDL and ML for HEM obtained in the first MDL study, the ML of 10 mg/L for HEM is still above the equivalent level in Method 413.1, and the result for SGT-HEM, the more complex procedure, is still less than the result for HEM.

From these results, the Agency concluded that the MDLs/MLs for HEM and SGT-HEM produced in the first MDL study are self-consistent, whereas the results produced in the second and third MDL studies are not. Therefore, the MDL and ML limits specified in the January 1995 version of the Method were those from the first MDL study.

The Agency still needed to address the issue that the HEM MDL values in both the October 1994 and the January 1995 versions of Method 1664 had not been verified with follow-up MDL studies. In contrast, a comparison of SGT-HEM results shows that the MDL/ML for SGT-HEM from the third MDL study supports the first MDL study results for SGT-HEM. (Both the first and third MDL studies produced an ML of 5 mg/L for SGT-HEM.)

To verify the HEM MDL and ML values specified in the October 1994 and January 1995 versions of Method 1664, which were the results obtained in MDL study #1, the laboratory that performed this MDL study conducted another study (MDL study #4). As with MDL study #1, the same Ph.D. level chemist with extensive analytical experience performed the analyses. Because the spike level in MDL study #1 was greater than five times the resulting MDL, the spike level was lowered to 5 mg/L. An MDL of 0.88 mg/L, with a resulting ML of 2 mg/L was obtained, thereby supporting the original MDL results.

In response to comments received from laboratories and other interested parties regarding the difficulties encountered when attempting to achieve the HEM MDL of 0.91 mg/L specified in the October 1994 and January 1995 versions of Method 1664,

and because most technicians performing HEM analysis for commercial laboratories will not have the experience or qualifications of the Ph.D. level chemist who performed MDL studies 1 and 4, an analyst with a bachelor's degree and one month's laboratory experience performed another HEM MDL study at this laboratory. The results of MDL study #5 were an HEM MDL of 1.4 mg/L and a resulting ML of 5 mg/L.

EPA has concluded that the MDL appropriate for Method 1664 should be representative of a better performing laboratory. However, to realistically address the qualifications of the laboratory personnel most likely to perform this procedure, the MDL should reflect the results obtained when using qualified, but not Ph.D. level, personnel. Therefore, the HEM MDL specified in the April 1995 version of Method 1664 (the version being proposed) is 1.4 mg/L and the HEM ML is 5 mg/L. Unchanged from the January 1995 version of Method 1664, the SGT-HEM MDL is 1.6 mg/L and the SGT-HEM ML is 5 mg/L.

EPA solicits comment on the appropriateness of these MDLs and data from other MDL studies conducted with the goal of achieving an MDL of 1 mg/L or less for HEM and SGT-HEM.

## V. Withdrawal of Currently Approved Methods

The Clean Air Act Amendments of 1990 (CAAA) established schedules for phasing out the production and importation of CFCs in the U.S. Pursuant to section 606, production of most class I substances, including Freon, is phased-out as of January 1, 1996, except for a few exemptions for essential uses. Existing supplies may be used after that date, but the substances will become increasingly scarce and costly over time. On May 10, 1995, a global exemption for laboratory and essential analytical uses of CFCs was granted for the 1996 and 1997 control periods (60 FR 24970). This exemption explicitly allows for the production of CFCs for laboratory use through December 31, 1997. Therefore, it would be possible to allow continued use of the currently approved analytical methods that employ CFCs along with the use of Method 1664.

EPA has considered allowing continued use of the currently approved methods, but believes that unacceptable conflicts would be created by allowing the simultaneous use of oil and grease methods that employ different extraction solvents. As is detailed above, EPA's Freon Replacement Studies indicated that no solvent produces results sufficiently equivalent to the results produced by Freon-113. By allowing two or more methods that employ different solvents, the possibility exists that a regulatory authority and a discharger could produce different results for the same analyte in the same sample. Indeed, the same analyst testing the same sample could produce unacceptably different results using the different methods. If one of these results showed a permit violation and the other did not, an unfair conflict would result.

As is also detailed above, Method 1664 contains extensive quality control procedures to assure that precise and accurate results are produced. If use of the currently approved methods is continued, the possibility also exists that analytical results could indicate a permit violation due to the greater variability of results produced by these methods when compared to the proposed Method 1664. For example, if the permit limit is 20 mg/L and the true concentration of oil and grease in the discharge is slightly less than this limit, Method 1664 is more likely to produce a result closer to the true value than the currently approved methods because of the improved precision of the Method.

The conflict between results obtained using the existing approved methods and results obtained using the proposed Method 1664 arises because oil and grease is a ''method-defined'' parameter. Much like biochemical oxygen demand measured over five days (''$BOD_5$''), and total suspended solids (''TSS''), which measures the amount of non-filterable material suspended in water, the quantification of oil and grease depends on the procedures used to measure the parameter in the first place. The analytical result is dependent on how the measurement is conducted. In the case of $BOD_5$, the sample pH, the seed quality, the incubation time and temperature, and other factors define how much BOD occurs. In the case of TSS, the sample homogeneity, the filter type and pore size, the drying time and temperature, and other factors determine the amount of solids that will be measured. In the specific case of oil and grease, one portion of the test sample preparation procedure, the addition of a specific solvent, *defines* how much ''oil and grease'' will be extracted. The oil and grease parameter is that material which is extracted by the solvent and not lost during solvent drying or evaporation.

Given these concerns, and to avoid other potential conflicts, EPA is proposing to withdraw approval of the use of methods for oil and grease determination that are currently promulgated at 40 CFR Part 136.

In an effort to provide for the use and depletion of existing laboratory stocks of Freon-113, EPA plans to implement the withdrawal of the existing Freon methods no sooner than six months after the final rule is published in the Federal Register. In this scenario, Freon-113 and the currently approved methods would continue to be used until the implementation date. N-hexane and Method 1664 would be required on that date and thereafter. EPA seeks comment on the desirability of this scenario, alternate scenarios, and whether the 6-month period is sufficient or, if insufficient, the length of the desired period. EPA also seeks comment as to whether the 6-month period is too long, in that persons and organizations affected by this rule may desire to switch to n-hexane sooner to reduce the costs associated with the purchase of Freon-113. When submitting comments on this issue, please indicate the amount of Freon-113 being used by your organization for oil and grease determinations using the currently approved 40 CFR Part 136 methods so that EPA can assess the number of parties affected and the extent of the effect.

## VI. Regulatory Requirements

### *A. Regulatory Impact Analysis*

Executive Order 12866 requires that regulatory agencies prepare an analysis of the regulatory impact of major rules. Major rules are defined as those likely to result in: (1) An annual cost to the economy of $100 million or more; or (2) a major increase in costs or prices for consumers or individual industries; or (3) significant adverse effects on competition, investment, innovation, or international trade. This regulation is not a major regulation for the reasons discussed below.

The impact of this proposed regulation will be far less than $100 million annually. Laboratories are switching to CFC substitutes (or substitute methods) as CFCs become more costly due to restriction in supply and due to the excise tax that, as a result of the 1989 and 1990 Budget Reconciliation Acts, is imposed on all ozone-depleting chemicals listed in the Montreal Protocol and the 1990 CAAA. Thus, the true cost of this regulation is the difference in expense of switching to CFC substitutes now as opposed to later. The Agency believes that these increased transitional costs will be minimal for the following reasons:

First, laboratory testing is a very small part of Freon-113 consumption (less

than 1 percent) and the testing required by EPA is only a fraction of this total. EPA estimates that the total market for Freon-113 for laboratory use is less than $2 million annually.

Second, this rule is not likely to cause a major increase in costs or prices for individuals or consumers. Laboratories may experience some increase in costs due to longer testing procedures because of the increased number of sample manipulations and the additional quality control in the method. However, the price for n-hexane is actually cheaper per pound than the CFCs and this difference may increase as CFC production is reduced and supply becomes more limited.

Third, this regulation is unlikely to cause significant adverse effects on competition, investment, innovation, or international trade. As noted above, laboratory use of these products is estimated to be much less than 1 percent of the total market for these products. Further, in some cases this proposed rule and notice would result in a switch back to procedures commonly used in the 1970s, which did not have a significant impact on competition, investment, or trade at that time.

On March 9, 1995, this proposal was granted a waiver from review by the Office of Management and Budget.

*B. Unfunded Mandates*

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a statement to accompany any rule where the estimated costs to State, local, or tribal governments, or to the private sector, will be $100 million or more in any one year. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly impacted by the rule.

EPA estimates that the costs to State, local, or tribal governments, or to the private sector, from this rule will be less than $100 million. This rulemaking should have minimal impact on the current regulatory burden imposed on permittees because the rulemaking will simply replace an existing test procedure with a new procedure. EPA has determined that an unfunded mandates statement is therefore unnecessary. Similarly, the method in today's rule does not establish any regulatory requirements that might significantly or uniquely affect small governments.

*C. Regulatory Flexibility Act*

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601, whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a Regulatory Flexibility Analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary if the Agency's Administrator certifies that the rule will not have a significant economic effect on a substantial number of small entities.

This proposed rule will not have a significant economic impact on a substantial number of small facilities. This regulation simply approves an analytical technique to be available for use by all laboratories.

*D. Paperwork Reduction Act*

This rule contains no requests for information and is, therefore, exempt from the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

VII. Materials Proposed for Incorporation by Reference Into 40 CFR Part 136

1. Method 1664: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons), April 1995, Document No. EPA–821–B–94–004b, available from the EPA Water Resource Center, Mail Code RC–4100, 401 M Street, S.W., Washington, D.C. 20460, phone: 202/260–7786 or 202/260–2814.

VIII. Request for Comments

EPA requests public analysis, comments, and information on the replacement of Freon-113 with n-hexane, the utility of Method 1664 for monitoring, the QC acceptance criteria in Method 1664, the MDL and ML levels, the performance-based option criteria, and the 6-month implementation scenario.

List of Subjects in 40 CFR Part 136

Environmental protection, Reporting and recordkeeping requirements, Water pollution control, Incorporation by reference.

Dated: December 12, 1995.

Carol M. Browner,

*Administrator.*

In consideration of the preceding, USEPA proposes to amend 40 CFR Part 136 as follows:

## PART 136—[AMENDED]

1. The authority citation of 40 CFR Part 136 continues to read as follows:

Authority: Secs. 301, 304(h), 307, and 501(a) Pub. L. 95–217, Stat. 1566, *et seq.* (33 U.S.C. 1251, et seq.) (The Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987), 33 U.S.C. 1314 and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 92–217; Stat. 7, Pub. L. 100–4 (The ''Act'').

2. In § 136.3(a), Table 1B.-List of Approved Inorganic Test Procedures, is proposed to be amended by revising entry 41. Oil and grease-Total recoverable; by adding an entry for petroleum hydrocarbons, total recoverable; and by adding a note to Table 1B to reference Method 1664 to read as follows:

**§ 136.3 Identification of test procedures.**

* * * * *

TABLE 1B.—LIST OF APPROVED INORGANIC TEST PROCEDURES

| Parameter, units and methods | Reference (Method No. or page) | | | | |
|---|---|---|---|---|---|
| | EPA [1, 35] | Std. methods 18th Ed. | ASTM | USGS2 | Other |
| * * * * * | | * | | * | |
| 41. Oil and grease—Total recoverable, mg/L; Gravimetric (extraction) | [xx]1664 | | | | |
| ——. Petroleum hydrocarbons—Total recoverable; mg/L; Gravimetric (extraction) | [xx]1664 | | | | |

TABLE 1B.—LIST OF APPROVED INORGANIC TEST PROCEDURES—Continued

| Parameter, units and methods | Reference (Method No. or page) | | | | |
|---|---|---|---|---|---|
| | EPA [1, 35] | Std. methods 18th Ed. | ASTM | USGS2 | Other |
| * * * * * | * | | | * | |

[xx] Method 1664: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons), April 1995, Document No. EPA–821–B–94–004b, can be obtained from the EPA Water Resource Center, Mail Code RC–4100, 401 M Street, S.W., Washington, D.C. 20460.

* * * * *

3. In § 136.3(e), Table II—Required Containers, Preservation Techniques, and Holding Times, is proposed to be amended by adding an entry for petroleum hydrocarbons to read as follows:

**§ 136.3 Identification of test procedures.**

* * * * *

TABLE II.—REQUIRED CONTAINERS, PRESERVATION TECHNIQUES, AND HOLDING TIMES

| Parameter | Container [1] | Preservation [2,3] | Maximum holding time [4] |
|---|---|---|---|
| * * * * * | * | * | * |
| (Add the following entry.) | | | |
| — —. Petroleum hydrocarbons ..... | G | Cool to 4° C, $H_2SO_4$ or HCL to pH<2 ..... | 28 days. |
| * * * * * | * | * | * |

[FR Doc. 96–877 Filed 1–22–96; 8:45 am]
BILLING CODE 6560–50–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 663

**[Docket No. 960111002–6002–01; I.D. 112495B]**

**RIN 0648–AG31**

## Pacific Coast Groundfish Fishery; Designation of Routine Management Measures

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule that would designate certain management measures as ''routine'' in the Pacific coast groundfish fishery off Washington, Oregon, and California. Once management measures have been designated as routine, they may be modified after a single meeting and recommendation of the Pacific Fishery Management Council (Council). Such action is authorized under the Pacific Coast Groundfish Fishery Management Plan (FMP) and is intended to provide for responsive inseason management of the groundfish resource.

**DATES:** Comments must be received by March 8, 1996.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213. Information relevant to this proposed rule has been compiled in aggregate form and is available for public review during business hours at the Office of the Director, Northwest Region, NMFS. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) can be obtained from the Council, 2000 SW First Avenue, Suite 420, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson at 206–526–6140, or Rodney R. McInnis at 310–980–4030.

**SUPPLEMENTARY INFORMATION:** The FMP authorizes the designation of certain management measures as ''routine.'' Routine management measures are specific for species, gear types and purposes. Implementation and adjustment of those routine measures may occur after consideration at a single Council meeting, subsequent approval by NMFS and announcement in the Federal Register. Adjustments must be within the scope of the analysis performed when the management measure originally is designated routine. A list of routine management measures is found at 50 CFR 663.23, specifying the species and gear types to which they apply.

At its August 1994 meeting, the Council announced its preliminary recommendation to designate the management measures contained in this proposed rule as routine. A draft EA/RIR was distributed to the public. At its October 1994 meeting, after hearing public testimony, the Council confirmed its preliminary recommendations to establish additional routine designations as follows: (1) Trip limits for all groundfish species, separately or in any combination, taken with open access gear; and (2) trip and size limits for lingcod, and trip limits for canary rockfish, shortspine thornyheads and longspine thornyheads taken with any legal gear in the limited entry (or open access) fisheries.

The most common type of routine management measure is ''trip landing and frequency limits,'' which applies to the harvest of most major groundfish species. Trip landing and frequency limits (trip limits) include limits on the

amount of fish that a vessel may legally land per fishing trip or cumulatively per unit of time, and/or limits on the number of landings that may be made by a vessel in a given period of time. Taken to an extreme, a fishery may be closed (equivalent to a ''zero trip limit'') under this routine designation.

Size limits have been designated as routine in the recreational fishery for lingcod and in the commercial and open access fisheries for sablefish. Size limits often are used in conjunction with trip limits to prevent the harvest of immature fish or fish that have not reached their full reproductive capacity. Size limits also are used to slow the harvest rate and prolong the fishery. Whenever size limits are used, it is understood that conversion factors and methods of measurement may be established or adjusted routinely on a case-by-case basis.

A. *Open Access Fishery—trip limits for all groundfish, separately or in any combination.* Trip limits for most groundfish species with harvest guidelines have already been designated routine for the limited entry and open access fisheries. (These species/species groups are: Widow rockfish, the *Sebastes* complex, yellowtail rockfish, Pacific ocean perch, sablefish, Dover sole, thornyheads, bocaccio, and Pacific whiting.) The primary purpose of those trip limits is to keep landings within the levels specified by the Secretary of Commerce (Secretary). However, not all species caught in the open access fishery have a harvest guideline (because there is inadequate information or no need for close management), and not all species with a harvest guideline have an individual open access allocation (because very little catch has occurred historically or is expected in the open access fishery). Individual trip limits for these minor species generally would be too small to be manageable. Therefore, open access trip limits have been set for larger groups of species, ''all rockfish'' and ''all groundfish'' in 1995, under the assumption that the species composition of the catch would remain similar to recent historical levels. Consequently, a number of species whose trip limits have not been individually designated routine are included under the trip limits for ''all rockfish'' and ''all groundfish'' in the open access fishery. These are minor species like grenadiers and shortbelly rockfish about which there is little biological information and little known harvest. However, without a routine designation for trip limits for these species, the trip limits for ''all rockfish'' and ''all groundfish'' may not be adjusted quickly during the season unless a resource problem exists (under the points of concern mechanism in the FMP). However, it is prudent to limit harvest before a conservation problem occurs, for example, by keeping landings within the harvest guideline. As discussed above, sometimes inseason adjustments are necessary to achieve the Council's non-biological goals such as keeping landings within the open access allocations, to maintain a long fishing season, and to discourage increases in effort. In addition, trip limits for individual species may need to be established and adjusted if the open access fishery for that species begins to expand beyond historical levels. Therefore, trip limits for all groundfish species, separately or in any combination, that are caught in the open access fishery must be designated routine in order to respond swiftly to changes in effort in the fishery, and such trip limits need not apply to the same groups of species managed by trip limits in the limited entry fishery.

This ''blanket'' all-groundfish designation would add approximately 137,150 mt of species with acceptable biological catch (ABC) or harvest guideline specifications (as of 1995) to routine management in the open access fishery. Of this, about 76,000 mt are underutilized species (jack mackerel and shortbelly rockfish) whose landings have not yet come close to their respective harvest guidelines, 35,000 mt are miscellaneous rockfish and flatfish with no individual harvest guideline, and about 15,000 mt are miscellaneous groundfish in the management unit but that do not have individual species ABCs or harvest guidelines. The remaining 11,000 mt are for Pacific cod, shortspine thornyheads, longspine thornyheads, and canary rockfish.

Trip limits in the open access fishery have been set annually and are not expected to change drastically from current levels. The level of trip limits will vary, however, depending largely on the amount of species available, effort in the fishery, and attempts to prolong the fishery as long as possible. Therefore, it is important to be able to modify these limits during the season rather than awaiting an annual cycle.

The purposes for making routine adjustments to trip limits would still apply (50 CFR 663.23(c)(1)(ii)): To keep landings within the levels announced by the Secretary; to extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to avoid discards; to discourage target fishing while allowing small incidental catches to be landed; and to allow small fisheries to operate outside the normal season. In addition, trip limits for the open access fishery are intended to maintain landings at historical (1984–88) proportions (50 CFR 663.23(c)(2)(ii)).

B. *Limited Entry and Open Access Fisheries—Trip and size limits for lingcod; trip limits for canary rockfish, shortspine thornyheads, and longspine thornyheads.* Several species that had harvest guidelines in 1995, and are expected to have harvest guidelines again in 1996, and that are appropriately managed with trip limits have not yet been designated for individual routine management. These species are lingcod, canary rockfish, shortspine thornyheads and longspine thornyheads. (Size limits for lingcod will also need to be designated as routine for the commercial fishery; they already are routine in the recreational fishery.) Clearly, these species should be managed consistently, especially those caught together in a species complex. This is even more critical because stock assessments for lingcod, canary rockfish, and shortspine thornyheads indicate harvests have been close to the estimated levels of overfishing in recent years.

Information on each species and management measure proposed for routine designation is summarized below. More detailed information appears in the EA/RIR for this rule and in the Stock Assessment and Fishery Evaluation documents for the 1995 and 1996 fisheries available from the Council (see **ADDRESSES**).

(1) *Lingcod.* A new stock assessment in 1994 resulted in a significant decrease in the harvest guideline (from 4,000 mt in 1994 to 2,400 mt in 1995) due to heavy exploitation, particularly north of Cape Falcon, OR (45°46' N. lat.). The average catch of 2,736 mt north of Cape Falcon during 1989–93 was below, but near, the overfishing level. Management is complicated because this is a transboundary stock that also is harvested in Canadian waters. A harvest guideline was established for lingcod for the first time in 1994 in response to indications of reduced abundance and concerns of effort shifts into the open access fishery for this species. Until 1995, there were no Federal trip or size limits on the commercial fishery. Recreational bag limits (3–5 fish) applied in all three states, and a size limit of 22 inches (56 cm) applied only in California. During the annual management cycle in 1995, a 20,000–lb (907–kg) cumulative monthly trip limit was implemented. The 22–inch (56–cm) size limit was applied coastwide in both commercial and recreational fisheries, with a ''per trip'' limit of 100 lb (45 kg) for trawl-

caught lingcod. Recreational bag and size limits for lingcod already are designated routine, but not commercial trip and size limits.

As in the recreational fishery, size limits may be appropriate in the commercial fishery to protect juvenile fish and the reproductive potential of the stock. The size composition of lingcod in the Monterey-Columbia subareas in 1992–93 was smaller than observed in limited samples in 1978–83. There is concern that the young average age and size of the catch indicates a substantial level of fishing mortality. The 22–inch (56 cm) size limit used in the recreational fishery is a reasonable starting point for the commercial fishery. More information may be needed to refine size limits, because trawl selectivity and/or relative year class strength may differ along the coast, depending on the fishery and gender of the fish, and some data indicate that size at 50 percent maturity increases from south to north. It is important to be able to respond to new information as it becomes available, particularly when this resource appears to be harvested near its overfishing level.

(2) *Canary rockfish*. Canary rockfish is a component of the multi-species *Sebastes* complex, which already is managed under routine trip limits. A 1994 stock assessment for canary rockfish indicated a substantial decline in stock biomass and that continuation at current ABC levels (set in 1990) would result in overfishing. Therefore, a separate harvest guideline for canary rockfish was set for the first time in 1995, with separate limits for canary rockfish (6,000 lb (2,722 kg) per month cumulative coastwide) that are counted toward the total limit for the *Sebastes* complex. The canary harvest guideline for the Vancouver-Columbia subareas of 1,250 mt in 1995 is about half the recent annual catch of 2,500 mt in 1992 and 1993. Although landings are well below the harvest guideline in 1995, the ability to modify trip limits during the season is essential to respond to changes in fishing behavior and to keep landings within the harvest guideline.

(3) *Thornyheads (shortspine and longspine)*. Thornyheads were managed together until 1995 when separate harvest guidelines were established for each species. Trip limits for thornyheads combined already are designated routine. Although trip limits for shortspine thornyheads have been adjusted under the routine designation for thornyheads combined, NMFS proposes to revise the regulations to clarify that the routine designation applies to each species separately.

Thornyheads are a component of the DTS complex that includes Dover sole, both species of thornyheads, and trawl-caught sablefish. Longspine thornyheads are more abundant and are being fished down to the level that would produce their maximum sustainable yield. There is no conservation problem with longspine thornyheads. However, shortspine thornyheads, which are caught with longspine thornyheads, are less abundant and have been fished close to their overfishing level in recent years. The 1995 harvest of shortspine thornyheads is expected to slightly exceed the overfishing level (60 FR 58527, November 28, 1995). Landings of longspine thornyheads are restricted to protect shortspine thornyheads.

Thornyheads have become the most valuable species in the DTS complex and effort on them has intensified, resulting in the need for sometimes frequent inseason adjustment. Trip limits have been adjusted to divert effort to deeper water where longspine thornyheads are more abundant relative to shortspine thornyheads. In 1995, the cumulative monthly trip limits ranged from 20,000–8,000 lb (9,072–3,629 kg) for thornyheads combined, of which no more than 4,000–1,500 lb (1,814–680 kg) could be shortspine thornyheads. Even so, landings of shortspine thornyheads have been very difficult to control, and the entire DTS complex fishery will be closed in late 1995 to protect shortspine thornyheads. Management of thornyheads will be even more restrictive in 1996.

C. *Clarification*. Reducing discards already is included in the regulations as a reason for making routine inseason adjustments to trip limits in commercial fisheries (50 CFR 663.23(c)(1)(ii)(A)). However, this reason was inadvertently omitted from the regulations governing routine groundfish trip limits that apply to the shrimp fishery. The ability to adjust trip limits to avoid discards is important, because, if set too low, a trip limit may actually result in increased discards of fish caught unavoidably in excess of the limit, resulting in no net reduction of total catch. ''Reducing discards'' is changed to ''avoiding discards'' to better describe the reason for making a routine change. Reduction of discards is not easily measured or determined. This rule would establish avoidance of discards as a reason for setting or adjusting trip limits in all commercial fisheries (including the harvest of groundfish with nongroundfish trawl gear), not just for those species listed individually at 50 CFR 663.23(c)(1)(i). Also, for simplification, this rule would combine the purposes for routine management measures listed in paragraphs (c)(1)(ii) and (c)(2)(ii), making clear that maintaining landings at historical levels applies only to the open access fishery.

## Classification

The Assistant Administrator for Fisheries, NOAA has initially determined that this action is consistent with the FMP, the national standards and other provisions of the Magnuson Act, and other applicable law.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The socio-economic impacts are discussed in the EA/RIR. Based on the Council's analysis, NMFS has considered the costs to the limited entry and open-access fleets and believes that there is no additional cost to the industry from taking this proposed action. As a result, a regulatory flexibility analysis was not prepared.

## List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 17, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

## PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, paragraphs (c)(1)(i)(G)through (I) and paragraph (c)(1)(ii)(A) are revised, paragraphs (J), (K), and (L) are added; paragraph (c)(2) is removed, and paragraph (c)(3) is redesignated as paragraph (c)(2) to read as follows:

### § 663.23 Catch restrictions.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(G) Thornyheads (shortspine thornyheads or longspine thornyheads, separately or combined)—all gear—trip landing and frequency limits;

(H) Bocaccio—all gear—trip landing and frequency limits;

(I) Pacific whiting—all gear—trip landing and frequency limits;

(J) Lingcod—all gear—trip landing and frequency limits; size limits;

(K) Canary rockfish—all gear—trip landing and frequency limits; and

(L) All groundfish, separately or in any combination—any legal open access gear (including non-groundfish trawl gear used to harvest pink shrimp, spot or ridgeback prawns, California halibut or sea cucumbers in accordance with the regulations in this subpart)—trip landing and frequency limits. (Size limits designated routine in this section continue to apply.)

(ii) * * *

(A) Trip landing and frequency limits—to extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to reduce discards; to discourage target fishing while allowing small incidental catches to be landed; to allow small fisheries to operate outside the normal season; and, for the open access fishery only, to maintain landings at historical (1984–88) proportions.

* * * * *

[FR Doc. 96–885 Filed 1–22–96; 8:45 am]

BILLING CODE 3510–22–F

# Notices

Federal Register
Vol. 61, No. 15
Tuesday, January 23, 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. 95–097–1]**

### Agritope, Inc.; Receipt of Petition for Determination of Nonregulated Status for Cherry Tomato Line Genetically Engineered for Modified Fruit Ripening

**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 Agritope, Inc., seeking a determination of nonregulated status for a cherry tomato line designated as 35–1–N that has been genetically engineered for modified fruit ripening. 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 this cherry tomato line presents a plant pest risk.

**DATES:** Written comments must be received on or before March 25, 1996.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95–097–1, 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. 95–097–1. 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. Ved Malik, 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 November 20, 1995, APHIS received a petition (APHIS Petition No. 95–324–01p) from Agritope, Inc., (Agritope) of Beaverton, OR, requesting a determination of nonregulated status under 7 CFR part 340 for a cherry tomato line designated as 35–1–N (line 35–1–N) that has been genetically engineered to contain a gene that alters fruit ripening. The Agritope petition states that cherry tomato line 35–1–N should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, line 35–1–N has been genetically engineered to contain the *sam-k* gene derived from *Escherichia coli* bacteriophage T3 that encodes an enzyme, *S*-adenosylmethionine hydrolase (SAMase), which alters the ethylene biosynthetic pathway and delays ripening of the tomato on the vine. The fruit of line 35–1–N ripen normally when exposed to exogenous ethylene. The subject tomato line also contains 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 added genes is controlled by the untranslated 3' region of the nopaline synthase gene from *Agrobacterium tumefaciens.* The modified E8 gene promoter from tomatoes is used to drive the *sam-k* gene in a developmentally regulated manner. The *A. tumefaciens* vector system was used to transfer the construct pAG–5420 containing the DNA elements described above into the Large Red Cherry parental line.

Line 35–1–N has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from the plant pathogen *A. tumefaciens.* The subject cherry tomato line has been evaluated in field trials conducted since 1992 under APHIS permits or notifications. In the process of reviewing the applications for field trials of line 35–1–N, 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 Food and Drug Administration (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 Federal

Food, Drug, and Cosmetic Act (21 U.S.C. 201 *et seq.*), 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.

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 Agritope's cherry tomato line 35–1–N 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 17th day of January 1996.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96–871 Filed 1–22–96; 8:45 am]

**BILLING CODE 3410–34–P**

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**[Docket No. 95–059–2]**

## Dekalb Genetics Corporation; Availability of Determination of Nonregulated Status for Corn Line Genetically Engineered for Glufosinate Herbicide Tolerance

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our determination that a corn line developed by the Dekalb Genetics Corporation designated as B16 that has been genetically engineered for tolerance to the herbicide glufosinate is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Dekalb Genetics Corporation in its petition for a determination of nonregulated status, an analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the Dekalb Genetics Corporation's petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

**EFFECTIVE DATE:** December 19, 1995.

**ADDRESSES:** The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition 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 those documents are asked to call in advance of visiting at (202) 690–2817.

**FOR FURTHER INFORMATION CONTACT:** Dr. Keith Reding, Biotechnologist, Biotechnology Permits, BBEP, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1237; (301) 734–7612. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–7612.

**SUPPLEMENTARY INFORMATION:**

### Background

On May 25, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95–145–01p) from the Dekalb Genetics Corporation (Dekalb) of Mystic, CT, seeking a determination that a corn line designated as B16 that has been genetically engineered for tolerance to the herbicide glufosinate does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

On August 1, 1995, APHIS published a notice in the Federal Register (60 FR 39146–39147, Docket No. 95–059–1) announcing that the Dekalb petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject corn line and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether the subject corn line posed a plant pest risk. The comments were to have been received by APHIS on or before October 2, 1995.

APHIS received a total of six comments on the subject petition from universities, State departments of agriculture, and an agency of the U.S. government. None of the commenters expressed opposition to the subject petition.

### Analysis

Corn line B16 has been genetically engineered with a modified version of the *bar* gene from *Streptomyces hygroscopicus* that encodes a phosphinothricin acetyltransferase (PAT) enzyme. When introduced into the plant cell, the PAT enzyme can inactivate glufosinate herbicides. The *bar* gene was introduced into the subject corn line by microprojectile bombardment, and its expression is under the control of the 35S promoter derived from the plant pathogen cauliflower mosaic virus and the Tr7 terminator from *Agrobacterium tumefaciens*.

Corn line B16 has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains regulatory gene sequences derived from the plant pathogens mentioned above. However, evaluation of field data reports from field tests of the subject corn line conducted under APHIS permits or notifications since 1991 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject corn plants' release into the environment.

### Determination

Based on its analysis of the data submitted by Dekalb and a review of other scientific data, comments received, and field tests of the subject corn line, APHIS has determined that corn line B16: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than corn developed by traditional breeding techniques; (3) is unlikely to increase the weediness potential for any other cultivated or wild species with which it can interbreed; (4) will not harm other organisms, including agriculturally beneficial organisms and threatened and endangered species; and (5) should not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that corn line B16 and any progeny derived from hybrid crosses with other nontransformed corn varieties will be just as safe to grow as traditionally bred corn lines that are not regulated under 7 CFR part 340.

The effect of this determination is that a corn line designated as B16 is no

longer considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of corn line B16 or its progeny. However, the importation of the subject corn line or seeds capable of propagation is still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was 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; 60 FR 6000–6005, February 1, 1995). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that corn line B16 and lines developed from it are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 17th day of January 1996.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 96–872 Filed 1–22–96; 8:45 am]

**BILLING CODE 3410–34–P**

## Forest Service

### California Coast Province Advisory Committee (PAC)

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The California Coast Province Advisory Committee (PAC) will meet on January 31, 1996, at the Bureau of Land Management Office Conference Room, 1695 Heindon Road, Arcata, California. The meeting will begin at 8 a.m. and continue until 5 p.m. Agenda items to be covered include: (1) Open public forum; (2) Forest Highway 7 update; (3) Report and recommendation from PAC Coordinating Subcommittee on Fiscal Year 1996 federal lands watershed restoration project proposals; (4) Report from PAC/RCD Subcommittee on public/private partnership opportunities; (5) Agency updates on implementing the Northwest Forest Plan; (6) Report and recommendation from timber salvage subcommittee; (7) Louisiana Pacific Corp. Sustained Yield Plans presentation; (8) Update on court actions concerning 318 timber sales; and (9) Schedule future meetings and build agenda for next meeting. All California Coast Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

**FOR FURTHER INFORMATION CONTACT:** Direct questions regarding this meeting to Daniel Chisholm, USDA, Forest Supervisor, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, California 95988, (916) 934–3316 or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, California 95988, (916) 934–3316.

Dated: January 9, 1996.

Daniel K. Chisholm,

*Forest Supervisor.*

[FR Doc. 96–772 Filed 1–22–96; 8:45 am]

**BILLING CODE 3410–FK–M**

## DEPARTMENT OF COMMERCE

## Bureau of Export Administration

### Action Affecting Export Privileges; Lasarray Corporation

In the Matter of: Lasarray Corporation, 13845 Alton Parkway #B, Irvine, California 92718, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department) having notified Lasarray Corporation (Lasarray) of its intention to initiate an administrative proceeding against it pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2420 (1991 and Supp. 1995)) (the Act),[1] and Part 788 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768–799 (1995)) (the Regulations), based on allegations that, on 13 separate occasions between on or about January 5, 1990 and on or about August 31, 1990, Lasarray exported U.S.-origin base wafers from the United States to Switzerland without the validated licenses required by Section 772.1(b) of the Regulations, in violation of Section 787.6 of the Regulations;

The Department and Lasarray having entered into a Consent Agreement pursuant to Section 787.17(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Consent Agreement having been approved by me;

It is therefore ordered,

First, all outstanding individual validated licenses in which Lasarray appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Lasarray's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but limited to, distribution licenses, are hereby revoked.

Second, Lasarray Corporation, 13845 Alton Parkway #B, Irvine, California, 92718, and all its successors or assigns, and officers, representatives, agents, and employees, whenever acting within the scope of their employment with Lasarray, shall, for a period of two years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

[1] The Act expired on August 20, 1994. Executive Order No. 12924 (59 *Fed. Reg.* 43437, August 23, 1994), extended by Presidential Notice of August 15, 1995 (60 *Fed. Reg.* 42767, August 17, 1995), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701–1706 (1991)).

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Lasarray by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations,if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that the proposed Charging Letter, the Consent Agreement, and this Order shall be made available to the public.A copy of this Order shall be published in the Federal Register.

This Order is effective immediately.

Entered this 11th day of January, 1996.

John Despres,

*Assistant Secretary for Export Enforcement.*

[FR Doc. 96–774 Filed 1–22–96; 8:45 am]

**BILLING CODE 3510–DT–M**

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## Action Affecting Export Privileges; Lasarray S.A.

### Bureau of Export Administration

In the Matter of: Lasarray S.A. Gottstattstrasse 24, CH–2504 Biel, Switzerland, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration United States Department of Commerce (Department), having notified Lasarray S.A. (Lasarray) of its intention to initiate an administrative proceeding against it pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. § § 2401–2420 (1991 and Supp. 1995)) (the Act),[1] and Part 788 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 768–799 (1995)) (the Regulations), based on allegations that, during a period from on or about August 31, 1990 and continuing to on or about August 31, 1991, Lasarray, a Swiss company, reexported U.S.-origin base wafers from Switzerland to the then-Union of Soviet Socialist Republics without the reexport authorization required by Section 772.1(b) of the Regulations, in violation of Section 787.6 of the Regulations;

The Department and Lasarray having entered into a Consent Agreement pursuant to Section 787.17(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Consent Agreement having been approved by me;

It is therefore ordered,

First, all outstanding individual validated licenses in which Lasarray appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Lasarray's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, Lasarray S.A., Gottstattstrasse 24, CH–2504 Biel, Switzerland, and all its successors or assigns, and officers, representatives, agents, and employees, whenever acting within the scope of their employment with Lasarray, shall, for a period of two years from the date of this Order, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly of indirectly, in any manner or capacity: (i) as a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in Section 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to Lasarray by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

C. As provided by Section 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that the proposed Charging Letter, the Consent Agreement, and this Order shall be made available to the public. A copy of this Order shall be published in the Federal Register.

This Order is effective immediately.

[1] The Act expired on August 20, 1994. Executive Order No. 12924 (59 *Fed. Reg.* 43437, August 23, 1994), extended by Presidential Notice of August 15, 1995 (60 *Fed Reg.* 42767, August 17, 1995), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. § § 1701–1706 (1991)).

Entered this 11th day of January, 1996.

John Despres,

*Assistant Secretary for Export Enforcement.*

[FR Doc. 96–773 Filed 1–22–96; 8:45 am]

BILLING CODE 3510–DT–M

## Foreign-Trade Zones Board

**[Docket 2–96]**

### Foreign-Trade Zone 75—Phoenix, Arizona; Application for Subzone Status; Sitix of Phoenix, Inc. (Semiconductor Wafers;) Phoenix, Arizona

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Phoenix, Arizona, grantee of FTZ 75, requesting special-purpose subzone status for the new semiconductor wafer manufacturing plant of Sitix of Phoenix, Inc. (Sitix) (subsidiary of Sumitomo Sitix Corp.), located in Phoenix, Arizona. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 16, 1996.

The Sitix plant (currently under construction) will involve a 466,000-square foot manufacturing facility on 106 acres, located at 19801 Tatum Blvd., Phoenix. The facility (200 employees at the outset) will be used to produce semiconductor wafers which are used by manufacturers of integrated circuits. Foreign sourced materials (up to 40% of total) will involve primarily silicon ingots, corundum, carbides, paints/varnishes, cleaning agents, lubrications, waxes, polishing materials and packaging materials. Some of the finished products will be exported.

Zone procedures would exempt Sitix from payments of Customs duties on foreign materials used in production for export. On domestic sales, the company would be able to choose the duty rate that applies to silicon wafers (duty-free) rather than the duty rates that would otherwise apply to the foreign-sourced items (0–6%). Sitix is also seeking an exemption from Customs duties on foreign materials that become scrap and waste during the production process (an estimated 40–50%). The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 25, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 8, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, Phoenix Plaza, Suite 970, 2901 North Central Avenue, Phoenix, AZ 85012

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue NW., Washington, DC 20230.

Dated: January 17, 1996.

John J. Da Ponte, Jr.,

*Executive Secretary.*

[FR Doc. 96–891 Filed 1–22–96; 8:45 am]

BILLING CODE 3510–DS–P

**[Docket 1–96]**

### Foreign-Trade Zone 35, Philadelphia, Pennsylvania; Proposed Foreign-Trade Subzone; Amended Application; Sun Company, Inc. (Oil Refinery Complex); Philadelphia, Pennsylvania Area

In May 1994, the Philadelphia Regional Port Authority (PRPA), grantee of FTZ 35, submitted an application to the Foreign-Trade Zones Board (the Board) requesting authority for special-purpose subzone status at the oil refinery complex of Chevron U.S.A. Products Company (Chevron) in Philadelphia, Pennsylvania (FTZ Doc. 20–94, 59 FR 26784, 5/24/94). PRPA recently amended the application to include two additional refineries and related facilities of Sun Company, Inc. (Sun). The changes reflect the purchase of the Chevron refinery by Sun and the fact that all three refineries operate as an integrated refinery complex. The amended application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It supplants the original application, and has been docketed as FTZ Doc. 1–96 (formally filed 1–11–96).

The application, as amended, requests subzone status for nine sites totalling 2,199 acres, including refineries, storage facilities, terminals and connecting pipelines in Philadelphia and southeastern Pennsylvania: *Site 1* (175,000 barrels per day (BPD), 530 acres)—Marcus Hook refinery, Delaware Ave. and Green Street, Delaware County (Marcus Hook area), some 15 miles southwest of Philadelphia, with a 113.5-acre section located in New Castle County, Delaware; *Site 2* (177,000 BPD, 372 acres)—Girard Point refinery (formerly owned by Chevron), 3001 Penrose Avenue, Philadelphia, near the junction of the Delaware and Schuylkill Rivers; *Site 3* (130,000 BPD, 713 acres)—Point Breeze refinery, 3144 Passyunk Avenue, Philadelphia, adjacent to the Girard Point refinery; *Site 4* (175 acres)—No. Two Tank Farm, final product storage for the Marcus Hook refinery, located two miles northeast of the refinery on Commerce Drive, Delaware County; *Site 5* (15.5 acres)—Hog Island Wharf, crude oil terminal for the Girard Point refinery, located 3 miles southwest of the refinery, on the Delaware River, adjacent to the Philadelphia International Airport; *Site 6* (116 acres)—Darby Creek Tank Farm, crude oil storage from Hog Island Wharf for the Girard Point refinery, 900 Hook Road, Delaware County; *Site 7* (203 acres)—Schuylkill River Tank Farm, product storage for the Girard Point refinery, located on the Schuylkill River at 3270 South 70th Street, Philadelphia County; *Site 8* (74 acres)—Fort Mifflin Terminal, crude oil terminal for the Point Breeze refinery, located at Hog Island Road on the Delaware River, Delaware County, 2.5 miles south of the Philadelphia refineries; and *Site 9* (21 miles)—Inter-Refinery Pipeline, from the Marcus Hook refinery (New Castle County, Delaware) under the Delaware River to a Sun distribution terminal in Gloucester County, New Jersey, crossing back under the Delaware River into Delaware County, Pennsylvania through the Fort Mifflin Terminal and ending at the Point Breeze refinery. The terminals, storage facilities and pipelines operate as an integral part of the refinery complex.

The Sun refinery system (482,000 barrels per day, 2,300 employees) is used to produce fuels and petrochemical products. Fuels produced include gasoline, jet fuel, distillates and residual fuels. Petrochemical feedstocks produced include methane, ethane, propane, butane, benzene, toluene, xylene, and cumene. Refinery byproducts include sulfur, asphalt and petroleum coke. All of the crude oil (95 percent of inputs) and certain blendstocks are sourced from abroad.

Zone procedures would exempt the refinery system from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate

(nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from 5.25¢ to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 25, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 8, 1996).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office 660 American Ave., Suite 201, King of Prussia, PA 19406.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: January 16, 1996.

John J. Da Ponte, Jr.,

*Executive Secretary.*

[FR Doc. 96–892 Filed 1–22–96; 8:45 am]

BILLING CODE 3510–DS–P

## International Trade Administration

**[A–357–804]**

## Silicon Metal From Argentina; Termination of Antidumping Duty Administrative Review

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

**ACTION:** Notice of Termination of Antidumping Duty Administrative Review.

**SUMMARY:** In response to a request from the petitioners, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on silicon metal from Argentina (60 FR 53164, October 12, 1995) for Electrometalurgical Andina, S.A.I.C. and Silarsa, S.A. for the period September 1, 1994 through August 31, 1995. On October 12, 1995, the petitioners filed a timely withdrawal of the request for review. Because there were no other requests for review from other interested parties, the Department is now terminating this review.

**EFFECTIVE DATE:** January 23, 1996.

**FOR FURTHER INFORMATION CONTACT:** Maureen McPhillips or John Kugelman, Office of Antidumping Compliance, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–5253.

**SUPPLEMENTARY INFORMATION:**

Background

On September 12, 1995, the Department published in the Federal Register (60 FR 47349) the opportunity to request an administrative review of silicon metal from Argentina for the period September 1, 1994 through August 31, 1995. On September 29, 1995, American Silicon Technologies, Elkem Metals Company, Globe Metallurgical, Inc., and SKW Metals & Alloys, Inc., the petitioners, in accordance with 19 CFR 353.2(k) (1994), requested an administrative review of Electrometalurgica Andina, S.A.I.C. and Silarsa, S.A. On October 12, 1995, the Department initiated an administrative review of the antidumping duty order on silicon metal from Argentina in accordance with 19 CFR 352.22 and published the notice of initiation in the Federal Register. This notice stated that the Department would review merchandise sold in the United States by Electrometalurgica Andina, S.A.I.C. and Silarsa, S.A. during the period September 1, 1994 through August 31, 1995.

Termination of Review

The petitioners subsequently withdrew their request for review on October 12, 1995. Under CFR § 353.22(a)(5)(1994), a party requesting a review may withdraw that request no later than 90 days after the date of publication of the notice of initiation. Because the petitioners' withdrawal occurred within the time frame specified in 19 CFR § 353.22(a)(5), and no other interested party has requested an administrative review for this period, the Department is now terminating this review.

This notice is published pursuant to 19 CFR § 353.22(a)(5) of the Department's regulations.

Dated: January 16, 1996.

Joseph A. Spetrini,

*Deputy Assistant Secretary for Compliance.*

[FR Doc. 96–893 Filed 1–22–96; 8:45 am]

BILLING CODE 3510–DS–M

## National Oceanic and Atmospheric Administration

**[I.D. 011696C]**

## Endangered Species; Permits

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

**ACTION:** Notice of receipt of two applications for scientific research permits (P602 and P534A).

**SUMMARY:** Notice is hereby given that Peter Dutton of NMFS Southwest Fisheries Science Center and Donna McDonald of Ocean Planet Research, Inc. (P602), and Dr. Scott Eckert of the Hubbs-Sea World Research Institute (P534A), have applied in due form for permits to take listed sea turtles for the purpose of scientific research.

**DATES:** Written comments or requests for a public hearing on these applications must be received on or before February 22, 1996.

**ADDRESSES:** The applications and related documents are available for review by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Director, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (310–980–4016).

Written comments, or requests for a public hearing on these applications should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

**SUPPLEMENTARY INFORMATION:**

Applications P602 and P534A request permits under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–227). Application P602 requests authorization to capture 50 green sea turtles (*Chelonia mydas*), 5 olive ridley sea turtles (*Lepidochelys olivacea*), and 5 loggerhead sea turtles (*Caretta caretta*) in San Diego Bay. The turtles would be measured, weighed, have blood samples taken, and have tags and transmitters attached. Some turtles would have lavage stomach sampling performed. Turtles would be recaptured monthly for growth measurements. The purpose of the research is to reassess the status of sea turtles in San Diego Bay. Data collected will be compared to baseline data to determine which turtles are still resident in the Bay, and to determine

growth and tag retention rates. Information will be collected on turtle numbers, species, size, sex, tags, health status, stock origin, and behavior and movement patterns. Genetic analysis of blood samples will contribute to an international effort to determine stock structure of Pacific sea turtles. The applicants request a 5-year permit from March 1, 1996.

Application P534A requests authorization to capture 20 green sea turtles (*Chelonia mydas*) annually in South San Diego Bay, take blood samples, attach tags and transmitters, and measure heart rate and internal temperature. Some turtles may have lavage stomach sampling performed. The purpose of the research is (1) to determine habitat preferences, behavioral activity patterns (such as foraging behavior), and residence patterns, and (2) to determine thermal preferences. The applicant requests a 2-year permit from September, 1996. Both applicants (P602 and P534A) will be coordinating their research efforts.

Those individuals requesting a hearing on either application should set out the specific reasons why a hearing on that particular application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in these application summaries are those of the applicants and do not necessarily reflect the views of NMFS.

Dated: January 17, 1996.

Russell J. Bellmer,

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 96–886 Filed 1–22–96; 8:45 am]

**BILLING CODE 3510–22–F**

## Patent and Trademark Office

### Customer Input—Customer Surveys

**AGENCY:** Patent and Trademark Office, Commerce.

**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 25, 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 should be directed to Greg Mullen, Patent and Trademark Office, Crystal Park 1, Suite 812, Arlington, Va. 20231, (703) 305–4207.

**SUPPLEMENTARY INFORMATION:**

I. Abstract

This is a generic clearance for an undefined number of surveys to be conducted over the next three years. These surveys are designed to obtain customer feedback regarding products, services and related service standards of the U.S. Patent and Trademark Office.

II. Method of Collection

Surveying using random sampling is the primary method of collection. Statistical methods will be followed.

III. Data

*OMB Number:* New collection.
*Form Number:* None.
*Type of Review:* Regular.
*Affected Public:* Individuals and businesses applying for patents and trademarks, and individuals and businesses interested in patents and trademarks for information/research purposes.
*Estimated Number of Respondents:* 10,000.
*Estimated Time per Response:* 30 minutes.
*Estimated Total Annual Burden Hours:* 5,000.

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 and will also become a matter of public record.

Dated: January 18, 1996.

Margaret L. Woody,

*Office of Management and Organization.*

[FR Doc. 96–894 Filed 1–22–96; 8:45 am]

**BILLING CODE 3510–16–P**

## COMMISSION OF FINE ARTS

### Notice of Meeting

The Commission of Fine Arts' next meeting is scheduled for February 15, 1996 at 10:00 a.m. in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001 to discuss various projects affecting the appearance of Washington, D.C., including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. January 16, 1996.

Charles H. Atherton,

*Secretary.*

[FR Doc. 96–821 Filed 1–22–96; 8:45 am]

**BILLING CODE 6330–01–M**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcement of an Import Restraint Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Laos

January 17, 1996.

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

**ACTION:** Issuing a directive to the Commissioner of Customs establishing a limit.

**EFFECTIVE DATE:** January 24, 1996.

**FOR FURTHER INFORMATION CONTACT:** Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

**SUPPLEMENTARY INFORMATION:**

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the Lao People's Democratic Republic agreed to extend their current agreement for two consecutive one-year periods beginning on January 1, 1996 and extending through December 31, 1997.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the 1996 period.

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).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

Committee for the Implementation of Textile Agreements

January 17, 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 the Bilateral Textile Agreement of September 15, 1994 between the Governments of the United States and the Lao People's Democratic Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 24, 1996, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in Laos and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996, in excess of 144,704 dozen.

Imports charged to the limit for Categories 340/640 for the period January 1, 1995 through December 31, 1995 shall be charged against that level of restraint to the extent of any unfilled balance. In the even the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The level set forth above is subject to adjustment in the future according to the provisions of the current bilateral agreement between the Governments of the United States and the Lao People's Democratic Republic.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 96–890 Filed 1–22–96; 8:45 am]

**BILLING CODE 3510–DR–M**

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Board of Trade Options on the Diammonium Phosphate and Anhydrous Ammonia Futures Contracts

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of a proposed commodity option contract.

**SUMMARY:** The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in options on its diammonium phosphate futures contract and options on its anhydrous ammonia futures contract. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before February 22, 1996.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, DC 20581. Reference should be made to the CBT options on its diammonium phosphate and anhydrous ammonia futures contracts.

**FOR FURTHER INFORMATION CONTACT:** Please contact John Forkkio of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, DC 20581, telephone 202–418–5281.

**SUPPLEMENTARY INFORMATION:** Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5097.

Other materials submitted by the CBT may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBT, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on January 11, 1996.

John Mielke,

*Acting Director.*

[FR Doc. 96–755 Filed 1–22–96; 8:45 am]

**BILLING CODE 6351–01–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date of Meeting:* 29 and 30 January 1966.

*Time of Meeting:* 0900–1700, 29 January 1996; 0730–1300, 30 January 1966.

*Place:* Pentagon—Washington, DC.

*Agenda:* The Army Science Board's (ASB) Summer Study on ''Unmanned Aerial Vehicles'' will meet for briefings and discussions on the study subject. These meetings will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically paragraph (1) thereof, and

Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

*Acting Administrative Officer, Army Science Board.*

[FR Doc. 96–820 Filed 1–22–96; 8:45 am]

BILLING CODE 3710–08–M

## Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date of Meeting:* 23 January 1996.

*Time of Meeting:* 0900–1700.

*Place:* U.S. Army Operational Test and Evaluation Command, 4501 Ford Avenue, Alexandria, VA 22302–1458.

*Agenda:* The Army Science Board (ASB) Independent Assessment Panel on ''Analysis, Test and Evaluation Processes and Methodology Used in Army Advanced Warfighting Experiments (AWE) with Near-term focus on Task Force XXI'' will meet for briefings and discussions on the study subject. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of this meeting. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

*Acting Administrative Officer, Army Science Board.*

[FR Doc. 96–818 Filed 1–22–96; 8:45 am]

BILLING CODE 3710–08–M

## Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

*Name of Committee:* Army Science Board (ASB).

*Date of Meeting:* 22 and 23 January 1996.

*Time of Meeting:* 1200–1700, 22 January 1996; 0800–1400, 23 January 1996.

*Place:* Pentagon—Washington, DC.

*Agenda:* The Army Science Board (ASB) Personnel and Medical Panel will meet for continuing discussions on the design and staffing required to support the medical research, development, test and evaluation (RDTE) programs of the proposed Army and Navy consolidated laboratory management organization currently proposed to be called the Armed Forces Medical Research and Development Agency (AFMRDA). These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

*Acting Administrative Officer.*

[FR Doc. 96–817 Filed 1–22–96; 8:45 am]

BILLING CODE 3710–08–M

## Department of the Navy

## Public Hearing for Draft Environmental Impact Statement on Yuma Training Range Complex

Pursuant to Council on Environmental Quality regulations (40 CFR Parts 1500–1508) implementing procedural provisions of the National Environmental Policy Act, the Marine Corps has prepared and filed with the U.S. Environmental Protection Agency the Draft Environmental Impact Statement (DEIS) for the Yuma Training Range Complex.

Public hearings to inform the public of the DEIS findings and to solicit comments will be held on February 6, 1996, beginning at 6:30 pm, in the Central Union High School multipurpose room, located at 1001 Brighton Avenue, El Centro, California; on February 7, 1996, beginning at 6:30 pm, in the Woodard Junior High School cafeteria, located at 2250 8th Avenue, Yuma, Arizonia; and February 15, 1996, beginning at 6:30 pm, in the Armory Senior Center ballroom, located at 220 South 5th Avenue, Tuscon, Arizona.

Federal, state, and local agencies and interested parties are invited and urged to be present or represented at the hearings. Oral statements will be heard and transcribed by a stenographer; however, to assure accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record on this study. Equal weight will be given to both oral and written statements.

In the interest of available time, each speaker will be asked to limit their oral comments to five minutes. If longer statements are to be presented, they should be summarized at the public hearings and submitted in writing either at the hearings or mailed to the address listed at the end of this announcement. All written statements must be postmarked by March 29, 1996, to become part of the official record.

The DEIS has been distributed to various Federal, State, and local agencies, elected officials, and civic associations and groups. In addition, the DEIS has been placed in the following libraries:

Tuscon/Pima Library, 101 N. Stone Street, Tuscon, AZ
Mira Mesa Public Library, 8540 Mira Mesa Boulevard, San Diego, CA.
Yuma County Library, 350 South 3rd Street, Yuma, AZ
Mesa Public Library, 64 East 1st Street, Mesa, AZ
Avondale City Library, 328 West Western Avenue, Avondale, AZ
Catalina Community Library, 15560 North Oracle Road, Catalina, CA
La Mesa Public Library, 8055 University Avenue, La Mesa, CA
Desert Foothills Library, 38443 N. Schoolhouse Road, Cave Creek, AZ
Wellton Branch Library, 30101 East Highway 80, Wellton, AZ
Chula Vista Public Library, 665 F Street, Chula Vista, CA
Scottsdale Public Library, 3839 Civic Center Boulevard, Scottsdale, AZ
Chandler Public Library, 25 South Arizona Place, Chandler, AZ
El Centro Public Library, 539 State Street, El Centro, CA
Marana Community Library, 13370 North Lon Adams Road, Marana, AZ
Brawley Public Library, 400 Main Street, Brawley, CA
San Luis Branch Library, 23222 South lst Street, San Luis, AZ
Glendale Public Library, 5959 North Schoolhouse Road, Glendale, AZ
Casa Grande Public Library, 405 East 6th Street, Casa Grande, AZ
San Diego Public Library, 820 E Street, San Diego, CA
Phoenix Public Library, 1221 North Central Avenue, Phoenix, AZ
Tempe Public Library, 3500 South Rural Road, Tempe, AZ
Pala Verde Valley Library, 125 West Chanslorway, Blythe, CA
Gila Bend Library, Gila Bend, AZ
Green Valley Community Library, 601 North La Canada Drive, Green Valley, AZ

A limited number of single copies are available at the address listed at the end of this notice.

The DEIS addresses proposed training procedures, development, and airspace reconfiguration within the Yuma Training Range Complex, which consists of the Chocolate Mountains Aerial Gunnery Range in southeastern California, the western portion of the Barry M. Goldwater Air Force Range in southwestern Arizonia, and associated special use airspaces designated for military use. The proposed improvements are needed to ensure that Marine and other U.S. tactical air forces have the advanced and diversified training resources to ensure their combat readiness.

Additional information concerning this notice may be obtained by contacting Major Joe Cox or Mr. Ron Pearce, Range Management Department, Marine Corps Air Station, Yuma, Arizona, 85369–9160, telephone (602) 341–3318.

Dated: January 18, 1996.

Kim G. Weirick,

*Acting Head, Land Use and Military Construction Branch, Facilities and Services Division /Installations and Logistics Department, By Direction of the Commandant of the Marine Corps.*

[FR Doc. 96–860 Filed 1–22–96; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF ENERGY

## DOE Response to Recommendation 95–2 of the Defense Nuclear Facilities Safety Board Regarding Safety Management

**AGENCY:** Department of Energy.

**ACTION:** Notice.

**SUMMARY:** Section 315 (b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b) requires the Department of Energy to publish its response to Defense Nuclear Facilities Safety Board recommendations for notice and public comment. The Defense Nuclear Facilities Safety Board published Recommendation 95–2 concerning Safety Management in the Federal Register on October 19, 1995 (60 FR 54065). The Department of Energy published notice of a request for an additional 45 days to respond to Defense Nuclear Facilities Safety Board Recommendation 95–2 concerning Safety Management in the Federal Register on December 11, 1995 (60 FR 63514). The Department of Energy (DOE) hereby publishes its response to Recommendation 95–2 as allowed by the statute cited above.

**DATES:** Comments, data, views, or arguments concerning the Secretary's request are due on or before February 22, 1996.

**ADDRESSES:** Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700. Washington, D.C. 20004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter N. Brush, Principal Deputy, Assistant Secretary for Environmental, Safety and Health, Department of Energy, 1000 Independence Avenue SW., Washington, DC. 20585.

Issued in Washington, D.C., on January 18, 1996.

Mark B. Whitaker,

*Departmental Representative to the Defense Nuclear Facilities Safety Board.*

The Secretary of Energy

Washington, DC 20585

January 17, 1996

The Honorable John T. Conway,
*Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, D.C. 20004*

Dear Mr. Chairman: On October 11, 1995, the Defense Nuclear Facilities Safety Board issued Recommendation 95–2, Safety Management, to the Department of Energy. The Department shares the concerns that prompted the Board to formulate its recommendation. Like you, we are committed to conducting our work efficiently and in a manner that ensures protection of workers, the public and the environment. Over the past three years, we have developed and implemented a number of systems that are designed to achieve an acceptable level of safety throughout Departmental operations. These systems are designed to achieve the following objectives:

—enhance our ability to plan and execute work, identify the hazards associated with specific operations and activities, and control or eliminate such hazards in an appropriate and cost-effective manner;
—clarify our expectations for the work to be accomplished and the level of environment, safety and health protection to be established and to do so in a manner that is not overly prescriptive but allows contractors to exercise the best means of meeting these expectations;
—establish clear roles and responsibilities for protection of environment, safety and health throughout the Department and our contractor corps;
—shift the focus of attention from ''paper requirements'' and documentation to a disciplined, analytical and collaborative focus on work planning, hazards analysis and hazards control; and
—establish analytical bases for setting risk-based management and project priorities.

Key among these policy initiatives and programs are directives reform, the Necessary and Sufficient Closure Process, including the companion process relating to Standards/Requirements Identification Documents, and contract reform, including performance-based contracting.

In developing and implementing these safety systems, we have recognized that the size and diversity of the Department's organization and operations do not permit a ''one-size-fits-all'' approach to management. Further, the need for the Department's Headquarters program managers to be responsible and accountable for establishing environment, safety and health policies and management systems must be balanced against the practical imperative to provide field operations and contractors sufficient flexibility to accomplish their missions effectively. Finally, in this period of severely constrained resources, it is critical that management systems ensure that we are attending to our most significant risks to environment, safety and health, that resources dedicated to environment, safety and health are both adequate and appropriate to the attendant level of risk throughout the complex, and that hazard control be achieved in a cost-effective manner.

The Department accepts Recommendation 95–2 as follows:

1. The first subpart of Recommendation 95–2 calls for the Department to institutionalize the process of incorporating into the planning and execution of every major defense nuclear activity involving hazardous materials those controls necessary to ensure that environment, safety and health objectives are achieved. We accept this Recommendation. While we believe that we have accomplished a great deal in this regard, we are committed to further improvements as evidenced by our ongoing safety management initiatives and recognize the need to further institutionalize the process of incorporating environment, safety and health considerations into the planning and execution of all activities at our facilities.

The task of institutionalizing the process includes incorporation in work planning of the ''Necessary and Sufficient Closure Process,'' along with other relevant processes, such as the process for Standards/Requirements Identification Documents.

2. Subpart 2 calls for the conduct of all operations and activities within the defense nuclear complex or the former defense nuclear complex that involve radioactive and other substantially hazardous materials to be subject to management plans that are graded according to the risk associated with the activity. We accept this portion of the Recommendation.

We cannot accept the portion of subpart 2 which calls for ''Safety Management Plans'' to be ''structured on the lines'' of certain Board Technical Documents. As stated above, we are committed to the development of effective safety plans which reflect the diversity of the Department's operations and the need for a flexible approach to these activities. We stand ready to work closely with the Board as we refine our approach to subpart 2, but the Department is not able to accept this part in all of its detail.

3. Subpart 3 calls for the Department to prioritize its facilities and activities according to their hazard and their importance to defense and cleanup programs. We accept this portion of the Recommendation because for both safety and budget formulation reasons, the Department always will need an effective understanding of its priorities.

The Department cannot accept the portion of subpart 3 that calls for the development of priorities ''following the process of Section I of DNFSB/TECH–6,'' relating to the revised Standards/Requirements Identification Document process, and Safety Management Plans. To be useful, any such new list of prioritized facilities and activities must reflect other current initiatives underway in the Department and should not be carried out exclusively for the purpose of focusing the transition from implementation programs related to Board Recommendations 90–2 and 92–5. Again, the Department stands ready to

work with the Board to seek a common understanding of an acceptable approach to this subpart.

4. Subpart 4 calls for the Department to promulgate requirements and associated instructions (Orders/Standards) which provide direction and guidance for the process defined in subpart 1, including responsibility for carrying it out. It also recommends that these requirements and associated instructions be made a contract term. We accept these portions of the Recommendation.

The Department cannot accept that portion of subpart 4 that would impose as a ''model'' for this process a specific Departmental Order relating to Operational Readiness Reviews. This ''model,'' which has proven quite effective for start-up and re-start of high hazard nuclear facilities, may simply prove to be inappropriate for all activities covered by this subpart.

5. The Department accepts subpart 5 of Recommendation 95–2 and will continue to take measures to ensure that we have or will acquire the technical expertise to implement effectively our integrated safety management process.

The Department's initiatives and programs to improve safety management are at various stages of maturation, implementation and institutionalization. We are mindful of our responsibility to keep the Board apprised of the direction and progress of these undertakings and are appreciative of the time and attention that Board Members and staff already have devoted to reviewing and consulting with Departmental management and staff on several of the initiatives and programs.

It is our intent to work closely with the Board and any individuals identified by the Board as the Department prepares its plan to develop this integrated safety management process. We also look forward to further discussions with the Board to determine how we may best accomplish our mutual objectives and responsibilities in these matters.

Sincerely,

Hazel R. O'Leary

[FR Doc. 96–902 Filed 1–18–96; 4:01 pm]

BILLING CODE 6450–01–P

## Federal Energy Regulatory Commission

**[Docket No. TM96–2–97–001]**

### Chandeleur Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

January 17, 1996.

Take notice that on January 4, 1996, Chandeleur Pipe Line Company (Chandeleur) tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1, Sheet Nos. 5, 8 and 14.

Chandeleur states that it is proposing to change its Fuel and Line Loss provision in its FT and IT Rate Schedules from allocation of actual Fuel and Line Loss to a fixed retention percentage based on allocated receipt volumes. This percentage will be retained by Chandeleur each month to cover the actual Fuel and Line Loss. Any differences between the actual Fuel and Line Loss, and the retained volumes will be made up by an annual change/recalculation in the retention percentage. The 1996 Fuel and Line Loss percentage is set at 0.5% on allocated receipt volumes.

Chandeleur states that copies of the filing were served upon the company's jurisdictional customers and state regulatory commissions.

Chandeleur has proposed an effective date for the revised tariff sheets of January 1, 1996.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 to the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–786 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. RP95–408–000 and RP95–408–001]**

### Columbia Gas Transmission Corp.; Notice of Informal Settlement Conference

January 17, 1996.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, January 24, 1996, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, for the purpose of exploring the possible settlement of the above referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intevenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Thomas J. Burgess at 208–2058, David R. Cain at 208–0917 or Anja M. Clark at 208–2034.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–781 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. RP96–112–000]**

### Columbia Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

January 17, 1996.

Taken notice that on January 5, 1996, Columbia Gas Transmission Corporation (Columbia) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet bearing a proposed effective date of February 1, 1996.

Fourth Revised Sheet No. 395

Columbia states that the purpose of this filing is to revise Section 20 (Discounting) of the General Terms and Conditions (GTC) of Columbia's FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), which provides for the appropriate apportionment of discounts consistent with the Commission's policy on the order of apportionment of discounts to base rates and transition cost components of rates. Columbia states that it is revising Section 20.2 to refer to the Stranded Facilities Charge (SFC) in GTC Section 46 of its Tariff, which was part of Columbia's general Section 4 rate filing on August 1, 1995 in Docket No. RP95–408 currently set for hearing.

Columbia states that GTC Section 46 and the SFC provide for Columbia's recovery of costs associated with stranded gathering and products extraction facilities as a result of implementation of Order No. 636. As with the other transition cost items currently listed in GTC Section 20.2, pursuant to this filing the SFC component will be discounted after base rate and non-transition cost components. GTC Section 46 and the SFC will become effective on February 1, 1996, subject to refund and hearing. Consequently, Columbia states that it is appropriate that this tariff revision also be made effective on February 1, 1996, and Columbia respectfully requests a waiver of Section 154.207 of the Commission's regulations in order to permit this tariff sheet to become effective on that date.

Columbia states that copies of its filing have been mailed to all firm customers, affected state commissions and interruptible customers that have made a standing request for service of filings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing is on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–782 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. TQ96–3–23–000]**

## Eastern Shore Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

January 17, 1996.

Take notice that on January 3, 1996, Eastern Shore Natural Gas Company (ESNG) tendered for filing certain revised tariff sheets in the above captioned docket as part of its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of February 1, 1996.

ESNG states that the revised tariff sheets included herein are being filed pursuant to Sections 21, 23 and 24 of the General Terms and Conditions of ESNG's Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth herein reflect an overall increase of $0.0077 per dt in the Demand Charge and an overall decrease of $0.4493 per dt in the Commodity Charge, as measured against the following ESNG instant filings; Docket No. TQ96–2–23–000, et al. (Out-Of-Cycle Quarterly PGA filed to be effective 1/1/96), Docket No. TA96–1–23–000, et. al. (Annual PGA filing), and Docket No. TM96–4–23–000, et. al. (Tracking filing with various effective dates).

ESNG further submits a ''tracking'' filing to track storage rate changes made by Transcontinental Gas Pipe Corporation and Columbia Gas Transmission Corporation.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–787 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. RP96–113–000]**

## Northern Border Pipeline Co.; Notice of Proposed Changes in FERC Gas Tariff

January 17, 1996.

Take notice that on January 11, 1996, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border Pipeline Company's FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective January 1, 1996:

Sixth Revised Sheet Number 156
Seventh Revised Sheet Number 157

Northern Border states that the purpose of this filing is to revise the Maximum Rate and Minimum Revenue Credit under Rate Schedule IT–1. The proposed Maximum Rate and Minimum Revenue Credit are being revised to incorporate the Commission determination in its order denying rehearing issued December 7, 1995 in Docket No. AC93–116–001.

Northern Border states that the herein proposed changes do not result in a change in Northern Border's total revenue requirement due to its cost of service form of tariff.

Northern Border proposes to decrease the Maximum Rate from 4.213 cents per 100 Dekatherm-Miles to 4.203 cents per 100 Dekatherm-Miles and to decrease the Minimum Revenue Credit from 2.091 cents per 100 Dekatherm-Miles to 2.088 cents per 100 Dekatherm-Miles. The revised Maximum Rate and Minimum Revenue Credit are being filed in accordance with Northern Border's Tariff provisions under Rate Schedule IT–1.

Northern Border states that copies of this filing have been sent to all of Northern Border's contracted shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E. Washington, D.C. 20426, in accordance with Sections 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, 385.211. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–783 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. RP96–64–000]**

## South Georgia Natural Gas Co.; Notice on Technical Conference

January 17, 1996.

On December 29, 1995, the Commission issued an order [1] in the captioned docket requiring, among other things, a technical conference on South Georgia Natural Gas Company's proposed increase in its transportation rates to recover the additional costs of post-employment benefits, other than pensions, included in that filing. The conference will be held 1:00 p.m., January 30, 1996, at 888 First Street NE., Washington, D.C., in a room to be designated at that time.

Any questions concerning the conference should be directed to John M. Robinson (202) 208–0808, or Frank Sparber (202) 208–0335.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–785 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

**[Docket No. CP96–134–000]**

## Transcontinental Gas Pipe Line Corp.; Notice of Application

January 17, 1996.

Take notice that on January 11, 1996, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251 filed an

[1] South Georgia Natural Gas Company, 73 FERC ¶ 61,388 (1995).

application in Docket No. CP96–134–000 pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Federal Energy Regulatory Commission's (Commission) regulations, for a certificate of public convenience and necessity authorizing the construction and operation of taps on Transco's mainline system in Guilford County, North Carolina to connect with inlet and outlet pipelines to be constructed by Pine Needle LNG Company, LLC (Pine Needle) as part of its liquefied natural gas (LNG) storage proposal filed in Docket No. CP96–52–000. Further details on Transco's proposal are contained in the application which is on file with the Commission and open to public inspection.

Specifically, Transco proposes to install two 10-inch taps which will be used for deliveries of gas from Transco's system into Pine Needle's 10-inch inlet pipeline, and three 20-inch taps which will be used for receipts of gas into Transco's system from Pine Needle's 24-inch outlet pipeline. The taps will be located at milepost 1356.95 on Transco's mainline system. Transco says Pine Needle will reimburse Transco for the cost of the taps which Transco estimates at $707,679.

Any person desiring to be heard or to make a protest with reference to said application should on or before January 24, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedures, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If motion for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–784 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. RP93–109–000– and RP95–136–000]**

## Williams Natural Gas Co.; Notice of Informal Settlement Conference

January 17, 1996.

Take notice that an informal settlement conference will be convened in these proceedings on Tuesday, February 6, 1996, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, for the purpose of exploring the possible settlement of the issues in these proceedings.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Arnold H. Meltz at (202) 208–2161 or Donald A. Heydt at (202) 208–0740.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–780 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP96–62–000]**

## Williston Basin Interstate Pipeline Co.; Notice of Application

January 16, 1996.

Take notice that on December 29, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed in Docket No. CP96–62–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to modify the operating nature of its Glen Ullin Compressor Station in Glen Ullin, North Dakota, all as more fully set forth in the application on file with the Commission and open to public inspection.

Williston Basin seeks authorization to use the Glen Ullin Compressor Station for mainline compression of natural gas, either east or west from the compressor station, in addition to its existing use as compression into Northern Border Pipeline Company's pipeline. As stated by Williston Basin, this modification will allow the operational efficiency and flexibility of the system to be enhanced.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Williston Basin to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96–779 Filed 1–22–96; 8:45 am]

BILLING CODE 6717–01–M

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# ENVIRONMENTAL PROTECTION AGENCY

**[FRL–5401–4]**

## Open Meeting of the Federal Facilities Environmental Restoration Dialogue Committee

**AGENCY:** Environmental Protection Agency.

**ACTION:** FACA Committee Meeting—Federal Facilities Environmental Restoration Dialogue Committee.

**SUMMARY:** As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463), we are giving notice of the next meeting of the Federal Facilities Environmental Restoration Dialogue Committee. Earlier notification was not possible due to delays caused by Federal budget uncertainties. The meeting is open to the public without advance registration.

The purpose of the meeting is finalize the Committee's consensus recommendations for improving Federal facilities environmental cleanup.

**DATES:** The meeting will be held on Monday, January 29, 1996, from 2 p.m. to 5:30 p.m., Tuesday, January 30, 1996, from 8:30 a.m. to 5:30 p.m., and Wednesday, January 31, 1996, from 8:30 a.m. to 4 p.m.

**ADDRESSES:** The meeting will be held at the Sheraton City Centre Hotel, located at 1143 New Hampshire Avenue NW., Washington, DC 20037 (phone: 202–775–0800, fax: 202–331–9491).

**FOR FURTHER INFORMATION CONTACT:** Persons needing further information on the meeting or on the Federal Facilities Environmental Restoration Dialogue Committee should contact Sven-Erik Kaiser, Federal Facilities Restoration and Reuse Office (5101), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, (202) 260–5138.

Dated: January 16, 1996.

Sven-Erik Kaiser,

*Designated Federal Official.*

[FR Doc. 96–883 Filed 1–22–96; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1080–DR]**

### District of Columbia; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the District of Columbia (FEMA–1080–DR), dated January 11, 1996, and related determinations.

**EFFECTIVE DATE:** January 12, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster has been changed. The incident period for this disaster is January 6–January 12, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

*Associate Director, Response and Recovery Directorate.*

[FR Doc. 96–862 Filed 1–22–96; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1078–DR]**

### Minnesota; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Minnesota (FEMA–1078–DR), dated January 5, 1996, and related determinations.

**EFFECTIVE DATE:** January 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 5, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Minnesota, resulting from a severe ice storm on October 23–24, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Minnesota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation Assistance in the designated areas. Individual Assistance may be added at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Dante Roveda of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Minnesota to have been affected adversely by this declared major disaster:

Big Stone, Stevens, Swift, and Traverse Counties for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

*Director.*

[FR Doc. 96–863 Filed 1–22–96; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1077–DR]**

### New Hampshire; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of New Hampshire (FEMA–1077–DR), dated January 3, 1996, and related determinations.

**EFFECTIVE DATE:** January 3, 1996

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 3, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New Hampshire, resulting from excessive rain, high winds and flooding on October 20, through and including November 15, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of New Hampshire.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Kevin M. Merli of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Hampshire to have been affected adversely by this declared major disaster:

Coos and Grafton Counties for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

*Director.*

[FR Doc. 96–864 Filed 1–22–96; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1083–DR]**

## New York; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of New York (FEMA–1083–DR), dated January 12, 1996, and related determinations.

**EFFECTIVE DATE:** January 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is closed effective January 12, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dennis H. Kwiatkowski,

*Deputy Associate Director, Response and Recovery Directorate.*

[FR Doc. 96–865 Filed 1–22–96; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1075–DR]**

## South Dakota; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–1075–DR), dated January 5, 1996, and related determinations.

**EFFECTIVE DATE:** January 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 5, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of South Dakota, resulting from a severe winter storm on October 22, 1995, through October 24, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Lesli A. Rucker of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of South Dakota to have been affected adversely by this declared major disaster:

Aurora, Beadle, Bon Homme, Brookings, Brule, Buffalo, Charles Mix, Clark, Codington, Davison, Deuel, Douglas, Grant, Gregory, Hamlin, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, McCook, Miner, Roberts, Sanborn, Spink, and Tripp Counties for Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

*Director.*

[FR Doc. 96–866 Filed 1–22–96; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1079–DR]**

## Washington; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Washington, (FEMA–1079–DR), dated January 3, 1996, and related determinations.

**EFFECTIVE DATE:** January 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Washington is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 3, 1996:

Pierce County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dennis H. Kwiatkowski,

*Deputy Associate Director, Response and Recovery Directorate.*

[FR Doc. 96–867 Filed 1–22–96; 8:45 am]

BILLING CODE 6718–02–P

**[FEMA–1079–DR]**

## Washington; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA–1079–DR), dated January 3, 1996, and related determinations.

**EFFECTIVE DATE:** January 3, 1996

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and

Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated January 3, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Washington, resulting from severe storms, high wind, and flooding on November 7, 1995, through and including December 18, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance and Hazard Mitigation Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Richard A. Buck of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Washington to have been affected adversely by this declared major disaster:

Thurston County for Individual Assistance only, and Chelan, Cowlitz, Grays Harbor, King, Lewis, Skagit, Snohomish, and Wahkiakum Counties for Individual Assistance, Public Assistance and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

*Director.*

[FR Doc. 96–868 Filed 1–22–96; 8:45 am]

**BILLING CODE 6718–02–P**

## FEDERAL RESERVE SYSTEM

### First Union Corporation, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 6, 1996.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

*1. First Union Corporation*, Charlotte, North Carolina; to acquire Internet, Inc., Reston, Virginia, and thereby engage in providing data processing and transmission services to insured depository institutions in connection with a shared electronic funds transfer (EFT) network of automated teller machines; providing data processing and transmission services to other EFT networks; and providing bank management consulting advice to insured depository institutions in connection with development of new products such as debit cards and Smart Cards, pursuant to §§ 225.25(b)(7) and (11) of the Board's Regulation Y.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Community Bancshares of Marysville, Inc.*, Marysville, Kansas; to acquire Citizens Insurance Agency, Waterville, Kansas, and thereby engage in the sale of general insurance, pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y. This activity will be conducted in Waterville, Kansas, and Marysville, Kansas.

Board of Governors of the Federal Reserve System, January 16, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–758 Filed 1–22–96; 8:45 am]

**BILLING CODE 6210–01–F**

### National Commerce Bancorporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be

accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 6, 1996.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

*1. National Commerce Bancorporation*, Memphis, Tennessee; to engage *de novo* through its subsidiary, USI Alliance Corp., Memphis, Tennessee, in leasing personal property, pursuant to § 225.25(b)(5)(i) of the Board's Regulation Y.

*2. Old National Bancorp*, Evansville, Indiana; to engage *de novo* through its subsidiary, Advantage Financial Services, Evansville, Indiana, in the origination, making and servicing of consumer and mortgage loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y; and in acting as agent or broker for insurance directly related to extensions of credit, pursuant to § 225.25(b)(8)(ii) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. Mountain Bank Systems, Inc.*, Whitefish, Montana; to engage *de novo* through its subsidiary, Mountain Financial, Inc., Eureka, Montana, in consumer lending and the sale of credit insurance, pursuant to §§ 225.25(b)(1) and 225.25(b)(8)(i) of the Board's Regulation Y. These activities will be conducted throughout Eureka, Montana, and the districts of Rexford and Fortine Ranger of Lincoln County, Montana.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Community First Bankshares, Inc.*, Denver, Colorado; to engage *de novo* in leasing activities, pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 16, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–759 Filed 1–22–96; 8:45 am]

BILLING CODE 6210–01–F

## Nebraska Bankshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company also has given notice under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal to acquire the non-banking subsidiaries can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 6, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Nebraska Bankshares, Inc.*, Farnam, Nebraska; to acquire 12.5 percent of the voting shares of Stockmens Financial Corporation, Rushville, Nebraska.

In addition, Stockmens Financial Corporation has applied to become a bank holding company by acquiring 100 percent of the voting shares of Stockmens Management Company, Rushville, Nebraska, and Leffler Bank Holding Company, Lincoln, Nebraska, and thereby indirectly acquire Stockmens Bank, Martin, South Dakota; Nebraska State Bank, Cozad, Nebraska; and Stockmens National Bank of Rushville, Rushville, Nebraska.

Applicants also have applied to acquire Security State Agency, Sidney, Nebraska, and thereby engage in general insurance agency activities in a place with less than 5,000 population where the organization also has bank branches, pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 16, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–760 Filed 1–22–96; 8:45 am]

BILLING CODE 6210–01–F

## Peoples Heritage Financial Group, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 9, 1996.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

*1. Peoples Heritage Financial Group, Inc.*, Portland, Maine; to acquire 100 percent of the voting shares of, and merge with Bank of New Hampshire Corporation, Manchester, New Hampshire, and thereby indirectly acquire Bank of New Hampshire, Manchester, New Hampshire.

B. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

*1. Emigrant Bancorp, Inc.*, New York, New York; to acquire 9.99 percent of the voting shares of Queens County Bancorp, Inc., Flushing, New York, and thereby indirectly acquire Queens County Savings Bank, Flushing, New York.

C. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

*1. Mechanics Financial Corporation*, Mansfield, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Mechanics Savings Bank, Marblehead, Ohio.

*2. Wells River Bancorp, Inc.*, Wellsville, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Perpetual Savings Bank, Wellsville, Ohio. Comments on this application must be received not later than February 6, 1996.

D. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

*1. Gateway Bancshares, Inc.*, Ringgold, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Gateway Bank & Trust, Ringgold, Georgia, in organization.

E. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. Otto Bremer Foundation and Bremer Financial Corporation*, both of St. Paul, Minnesota; to acquire 100 percent of the voting shares of First American Bank of Wahpeton, Wahpeton, North Dakota, a *de novo* bank.

F. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

*1. First Valley Bank Group, Inc.*, Harlingen, Texas, and First Valley Delaware Financial Corporation, Dover, Delaware; to acquire 100 percent of the voting shares of Pharr Financial Corporation, Pharr, Texas, and thereby indirectly acquire Security State Bank, Pharr, Texas.

*2. Premier Bancshares, Inc.*, La Grange, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Premier Holdings - Nevada, Inc., Carson City, Nevada, and thereby indirectly acquire La Grange State Bank, La Grange, Texas.

In connection with this application, Premier Holdings - Nevada, Inc., Carson City, Nevada, has applied to become a bank holding company by acquiring 100 percent of the voting shares of La Grange State Bank, La Grange, Texas.

*3. Quinlan Bancshares, Inc.*, Quinlan, Texas; to acquire 100 percent of the voting shares of Citizens State Bank, Royce City, Texas.

G. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

*1. Dartmouth Capital Group, Inc., Dartmouth Capital Group, L.P., and SDN Bancorp, Inc.*, all of Encinitas, California; to acquire 100 percent of the voting shares of Liberty National Bank, Huntington Beach, California.

Board of Governors of the Federal Reserve System, January 16, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–761 Filed 1–22–96; 8:45 am]

BILLING CODE 6210–01–F

## The Royal Bank of Scotland Group plc, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire control, ownership, or the power to vote shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 16, 1996.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

*1. The Royal Bank of Scotland Group plc*, Edinburgh, Scotland; The Royal Bank of Scotland plc, Edinburgh, Scotland; and Citizens Financial Group, Inc., Providence, Rhode Island, have applied to merge Citizens Financial Group, Inc., Providence, Rhode Island, with Bank of Ireland First Holdings, Inc., Manchester, New Hampshire, and thereby indirectly acquire First NH Bank, Manchester, New Hampshire. Bank of Ireland First Holdings is a subsidiary of The Governor and Company of the Bank of Ireland, Dublin, Ireland.

As a result of this merger, The Governors and Company of the Bank of Ireland would control 23.5 percent of Citizens Financial Group and thereby indirectly control shares of its subsidiary banks, including Citizens Savings Bank, Providence, Rhode Island, Citizens Trust Company, Providence, Rhode Island, and Citizens Bank of Massachusetts, Fairhaven, Massachusetts. The Royal Bank of Scotland Group plc will control 76.5 percent of the shares of Citizens Financial Group.

Board of Governors of the Federal Reserve System, January 17, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–869 Filed 1–22–96; 8:45 am]

BILLING CODE 6210–01–F

## Robert G. Wilmers, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for

processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 6, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

*1. Robert G. Wilmers*, Buffalo, New York; to acquire an additional amount between .5 percent and 14.98 percent, for a total amount between 10.3 percent and 24.99 percent, of the voting shares of First Empire State Corporation, Buffalo, New York, and thereby indirectly acquire Manufacturers and Traders Trust Company, Buffalo, New York, The East New York Savings Bank, New York, New York, and M&T Bank, N.A, Oakfield, New York.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

*1. Benny D. Fesmire*, Jackson, Tennessee, to acquire a total of 11.72 percent; William E. Wilhite, Jackson, Tennessee, to acquire a total of 5.02 percent; Melody H. Haltom, Jackson, Tennessee, to acquire a total of 11.72 percent; Mickey Granger, Jackson, Tennessee, to acquire a total of 5.02 percent; H. Jack Holmes, Jackson, Tennessee, to acquire a total of 11.72 percent; Joe Nip McKnight, Jackson, Tennessee, to acquire a total of 5.02 percent, of the voting shares of Friendship Bancshares, Inc., Friendship, Tennessee, and thereby indirectly acquire Bank of Friendship, Friendship, Tennessee. These individuals are acting in concert to acquire 50.22 percent of Friendship Bancshares, Inc.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Barnabas D. Horton and Mary Catherine Horton*, both of Atwood, Kansas; to acquire an additional 16.95 percent, for a total of 41.80 percent, of the voting shares of Rawlins Bancshares, Inc., Atwood, Kansas, and thereby indirectly acquire Farmers Bank and Trust, Atwood, Kansas.

D. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

*1. Cruz Garza*, George West, Texas; to acquire an additional 5.26 percent, for a total of 15.63 percent, of the voting shares of Charlotte Bancshares, Inc., Charlotte, Texas, and thereby indirectly acquire The Country Bank, Charlotte, Texas.

Board of Governors of the Federal Reserve System, January 16, 1996.

Jennifer J. Johnson,

*Deputy Secretary of the Board.*

[FR Doc. 96–762 Filed 1–22–96; 8:45 am]

**BILLING CODE 6210–01–F**

## GENERAL ACCOUNTING OFFICE

### Federal Accounting Standards Advisory Board, Meeting

**AGENCY:** General Accounting Office.

**ACTION:** Notice of rescheduled monthly meeting.

**SUMMARY:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that the January 25th meeting announced in the January 11th edition of the Federal Register of the Federal Accounting Standards Advisory Board is postponed to Monday, February 5, 1996, from 9 a.m. to 4 p.m. in room 4N30 of the General Accounting Office, 441 G Street NW., Washington, DC.

The purpose of the meeting is to discuss issues arising from the December 5 public hearing on *Supplementary Stewardship Reporting* exposure draft and also to discuss issues related to the *Accounting for Revenue and Other Financing Sources* exposure draft.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

**FOR FURTHER INFORMATION CONTACT:** Ronald S. Young, Executive Staff Director, 750 First Street, NE., Room 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 4 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: January 18, 1996.

Ronald S. Young,

*Executive Director.*

[FR Doc. 96–895 Filed 1–22–96; 8:45 am]

**BILLING CODE 1610–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Program Support Center; Statement of Organization, Functions and Delegations of Authority

Part P, (Program Support Center), of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (60 FR 51480, October 2, 1995 as amended most recently at 60 FR 57452, November 15, 1995) is amended to reflect the following changes in Chapters PB, PC, PD, and PE within Part P, Program Support Center, Department of Health and Human Services (DHHS).

The changes to the above chapters establish interim division level organizations for the DHHS Program Support Center (PSC). These interim actions give official status to division-level organizations currently functioning with the PSC. Studies are now under way to determine the most efficient division-level organization for the PSC. This may result in divisions being combined or moved from one PSC Service to another. When these decisions are made, appropriate Federal Register Notices will be published.

Program Support Center

Under *Part P, Section P–10, Organization*, change items (4) and (5) to read: (4) Administrative Operations Service (PE); (5) Information Technology Service (PF).

Under *Part P, Section P–20, Functions*, after the title and statement for Chapter PB, Human Resources Service (PB) add the following:

*Office of the Director (PBA)*

(1) Provides executive direction, leadership, guidance, and support to all Human Resources Service (HRS) components; (2) Oversees the development and implementation of administration support functions for the Human Resources Service including budgeting, personnel management and facilities management; (3) Provides leadership to ensure the effective administration of the Board for Correction of PHS Commissioned Corps Records; (4) Formulates and implements the multi-year plan for the Human Resources Service; and (5) Directs the human resources program for the PSC.

*Systems Design and Analysis Division (PBB)*

(1) Performs systems analysis and design for changes, enhancements, and new requirements to the Department's human resource information systems, including personnel and compensation; (2) Determines feasibility, benefits and impacts, including estimates of staff, hardware, software, telecommunications and user interface; (3) Conducts developmental prototype systems; develops test criteria, including identification of performance measures, system interfaces, audits, security, and evaluation criteria; (4) Provides design and analysis support to user requested

reporting requirements; and (5) Serves as the initial contact for ADP service acquisitions, including cost benefit analyses, requirements statements, and performance criteria relating to human resource information systems.

*Systems Engineering and Maintenance Division (PBC)*

(1) Responsible for maintaining and enhancing the Department's automated personnel and payroll system and subsystems; (2) Administers the Department's human resource data base through data definition, development of data structures, imposition of security measures, data base maintenance and control of user access and use of data; and participation in the development of PSC systems goals, objectives, priorities, and schedules; (3) Develops detailed system and/or subsystem specifications, program specifications, program modules, files, data bases, libraries and documentation necessary to support system maintenance and development activities; (4) Participates in the development of test criteria and test methodology necessary to conduct system/subsystem and program level tests needed to ensure the integrity of the Department's automated personnel and payroll system; and (5) Develops and implements methods for reduction in hardware, software and personnel costs while maintaining the highest system integrity and employing state-of-the-art data processing techniques where appropraite.

*Systems Integrity Division (PBE)*

(1) Performs quality assurance, including acceptance testing, for all new systems/subsystems, major enhancements and systems changes for the human resource information system; (2) Serves as HRS ADP Systems Security Officer, including physical security, system back-up, file access security, access codes, adherence to Privacy and Freedom of Information Act requirements and security standards for the human resource and payroll system; (3) Builds and maintains a regression library to be used in the standard test systems; (4) Develops, publishes, maintains and ensures adherence to ADP standards and procedures; (5) Controls and maintains system documentation, including all documentation of a change or development cycle; (6) Schedules and carries out the implementation of new systems changes into the production operation; and (7) Develops and conducts user/customer training in the use of human resource systems.

*Business Systems Engineering Division (PBF)*

(1) Provides the PSC with a full range of human resource ADP support systems to manage the Commissioned Corps personnel system of the Public Health Service including systems analysis, design, development, testing, documentation and production; applications include the production of official personnel orders and monthly payroll transactions for the U.S. Treasury.

*Personnel and Pay Systems Division (PBG)*

(1) Administers the Department's and the Social Security Administration's centralized payroll systems; (2) Develops new systems changes required for personnel and payroll production; reviews test results to assure correct operation of new systems and changes; (3) Manages and conducts payroll accounting, reconciliation and pay adjustments processing; produces feeder reports for DHHS accounting systems; and carries out the Department's employee debt collection program; (4) Processes all actions relative to separated employees, including retirement and other separation actions; maintains retirement records; processes death benefit claims; (5) Audits leave accounts and processes unemployment compensation actions; (6) Provides direction, technical assistance, standard operating procedures, manuals and training for IMPACT operators, timekeepers, designated agents, payroll liaison persons and other persons who input data or who use outputs from the personnel and payroll systems; and (7) Diagnoses problems and devises solutions to systemic problems and inefficiencies.

*Systems Networking Division (PBH)*

(1) Designs, obtains, installs, and maintains automatic data processing systems, including hardware, software, and data communications required to support the IMPACT system and the office automation activities of the HRS; (2) Provides automated data processing and distributed configuration management services for human resource computer systems located in the regional offices and the OPDIV personnel offices; (3) Provides the personnel offices with technical expertise in such areas as data communications, data center hardware and related equipment, data center operating systems, general purpose software, and data center management; (4) Schedules, operates and maintains the production processes in the Departmental personnel/payroll system; and (5) Produces and distributes output products including computer files, printed reports and electronic transmissions for both internal, Departmental and external customer use.

*Division of Commissioned Personnel (PBJ)*

(1) Administers a comprehensive personnel management program for the Public Health Service Commissioned Corps; (2) Performs all personnel operations functions associated with the Commissioned Corps personnel system, including the functional areas of billet evaluation, pay administration, employment, awards and decorations and the provision of technical and advisory services and counseling to management and employees; (3) Provides advice and counsel concerning rights and benefits to members of the Corps; (4) Provides guidance and assistance to PHS customers concerning personnel management of the Commissioned Corps; (5) Serves as the central repository for all records reflecting the service and status of members of the Corps and administers the Beneficiary Medical Program; (6) Administers the Commissioned Corps retirement program and survivors assistance program; and (7) Develops and implements Commissioned Corps operational policy and procedures.

*Southwest Personnel Operations Division (PBK)*

(1) Provides a comprehensive human resources management program for headquarters and field components of the Office of the Secretary and the Administration on Aging; (2) Provides a full range of services and consultation to managers in their human resources activities, including recruitment, staffing, position establishment, performance management, awards, workforce planning, employee relations and labor relations; (3) Provides employee counseling services, career management, retirement, and benefits counseling, and official personnel records; and (4) Manages consolidated training for DHHS components and external customers based in Southwest Washington, D.C.

*Parklawn Personnel Operations Division (PBL)*

(1) Provides a comprehensive human resources management program for headquarters and field components of the PSC including position classification, pay administration, employment, merit promotion, personnel security, employee relations,

labor-management relations, awards and special recruitment and Commissioned Corps liaison activities; (2) Provides personnel management advice and assistance on all aspects of personnel administration to managers, supervisors, and employees; (3) Develops and implements marketing strategies to promote human resource services; and (4) Manages consolidated training for DHHS components and external customers based in the Parklawn complex.

*Division of Human Resources Information Management (PBM)*

(1) Provides ADP systems support to the health OPDIV personnel offices; (2) Provides human resources management information to the health OPDIVS in the form of reports, booklets, queries, files and graphics; (3) Designs, tests, maintains and provides security for applications systems and data bases which provide health OPDIVS with access to personnel/payroll information; (4) Manages the IMPACT level 2 system for the health OPDIVS in the Parklawn complex; (5) Manages ADP hardware, software, telecommunications, and network administration for human resource systems for health OPDIVS; and (6) Develops reports for tracking health OPDIV FTE ceilings and progress toward streamlining targets.

Under *Part P, Section P–20, Functions,* after the title and statement for Chapter PC, Financial Management Service (PC), add the following:

*Office of the Director (PCA)*

(1) Provides executive direction, leadership, guidance and support to all Financial Management Service (FMS) components; and (2) Oversees the development and implementation of administrative support functions for the Financial Management Service including administrative policies, financial operating plans, budgeting, and personnel management.

*Division of Cost Allocation (PCB)*

(1) Reviews, negotiates and approves indirect cost rates, State and local government cost allocation plans, research plans, research patient care rates and/or amounts, fringe benefit rates and other special rates for organizations receiving Federally sponsored awards; (2) Serves as liaison with Federal agencies on operational matters involving review and negotiation of indirect cost rates and cost allocation plans; (3) Resolves audit findings on cost allocation plans, indirect cost rates, etc.; (4) Provides technical assistance on indirect cost and cost allocation matters to Federal agencies and organizations receiving Federally sponsored awards; (5) Performs functions described in items (1) through (4) on behalf of all Federal agencies when DHHS is designed the cognizant agency by OMB; (6) collects rate agreements (issued by DHHS and other Departments) for organizations not subject to the commercial cost principles and distributes them on a governmentwide basis; (7) Evaluates a wide range of ADP and telecommunication facilities operated by State/local governments, colleges and universities, and other nonprofit organizations to determine whether chargebacks for services to Federal programs are reasonable, proper and allowable under Federal cost principles; and (8) Maintains the Cost Allocation Management Information System (CAMIS); the Indirect Rate Information System (IRIS); and the Rate Agreement Distribution System (RADS) data base systems and the Statistical Analysis System (SAS) analysis of high-dollar colleges and universities indirect cost rates in support of DCA activities.

*Division of Payment Management (PCC)*

(1) Operates a Payment Management System (PMS) which manages the disbursement of funds awarded through DHHS grants and contracts and provides such services to other Departments; (2) Assures the timely payment to grantees and contractors and prescribes requirements for grantee and contractor reporting of expenditures and accountability of Federal cash received; (3) Operates and provides the automated data processing support and maintenance of the PMS; (4) Manages Federal cash in the hands of grant and contract recipients; (5) Provides technical guidance to customer agencies in the area of electronic commerce and electronic funds transfer; (6) Provides financial data to customer agencies relative to grant activity; (7) Provides debt management services to customer agencies; (8) Collects, deposits, and reports interest earned on Federal funds held by all non-government recipient organizations; (9) Maintains liaison with Federal regulatory agencies and National Banking Associations relative to cash management, financial reporting, electronic commerce, and electronic funds transfer; and (10) Maintains, operates, and develops policy in support of the Departmental Central Registry System.

*Division of Fiscal Services (PCE)*

(1) Provides accounting and fiscal services for activities of the DHHS and other Federal Agencies; (2) Provides full accounting and management services related to debt management of funds primarily owed by individuals; (3) Directs planning and implementation of accounting systems and procedures; (4) Furnishes fiscal advice to contracting officers; (5) Provides technical and policy guidance to headquarters program offices and field accounting activities relative to accounting and fiscal matters; (6) Maintain central and other accounts of designated programs; (7) Prepares auditable financial statements and reports for internal and external use; (8) Responsible for design and development of new FMS financial systems; (9) Serves as liaison with Departmental and external agencies relative to fiscal and accounting matters of the Department and other customer agencies; (10) Provides for interfacing of accounting and related management control systems; and (11) Provides vendor disbursement and employee travel reimbursement services for customer agencies.

Under *Part P, Section P–20, Functions,* after the title and statement for Chapter PE, Administrative Operations Service (PE), add the following:

*Office of the Director (PEA)*

(1) Provides executive direction, leadership, guidance and support to all Administrative Operations Service (AOS) components; and (2) Oversees the development and implementation of administrative support functions for the Administrative Operations Service including administrative policies, financial operating plans, budgeting, and personnel management.

*Administrative Operations Service Regional Staff (PEAF1–X)*

(1) Provides acquisition management, building management, property management, leasing, financial and personnel support, telecommunications, ADP support, graphics, and mail and messenger services to regional customers throughout the nation.

*Division of Acquisition Management (PEB)*

The Division provides acquisition services to DHHS and other customers.

(1) Provides contracting services for ADP, program, and administrative requirements including information processing and telecommunications resources; (2) Purchases supplies, equipment, and services from mandatory sources (Federal Supply Schedules and other Government agencies), open market, or by contract; (3) Provides contract audit and financial review services; (4) Provides analysis and evaluation services, develops

procedures and recommends policy for administration of the acquisition program and works with the many Federal organizations to insure all laws and regulations are properly interpreted and implemented; and (5) Carries out the authorities of the DHHS Claims Officer under the Federal Claims Collection Act, the Federal Tort Claims Act, and the Military Personnel and Civilian Employees' Claims Act.

*Division of Property Management (PEC)*

The Division provides a variety of real and personal property management services for the DHHS and other customers.

(1) Provides the following related services: building security and safety program, including facility-specific emergency plans; lease management; building management and operations; building alteration, repair and maintenance program; parking management, information/locator services; photo identification (ID); and supply and inventory management; (2) Provides a shipping, receiving and laboring service and operates a property management and surplus property utilization and disposal system; and (3) Executes and implements the transfer of Federal surplus real property for public health purposes pursuant to sections 203 (k) and (n) of the Federal Property and Administrative Services Act of 1949, as amended.

*Division of Technical Support (PEF)*

The Division provides a variety of support services for DHHS and other customers located in the Washington D.C. Metropolitan Area and nationwide.

(1) Provides the following services: telecommunications management; visual aids and graphic art services; photography services; wide and local area network management and support; library services; printing and reproduction, including operation of copy centers; mail and messenger services; motor pool management; support services for conference room and training facilities; and (2) Carries out printing management responsibilities for the PSC.

*Division of Supply Management (PEG)*

The Division operates the Supply Service Center at Perry Point, Maryland to support DHHS health facilities and other organizations world-wide by providing pharmaceutical, medical, and dental supplies to Federal Agencies and other related customers.

(1) Manages financial responsibilities associated with operating a large medical warehouse as authorized by the Federal Securities Appropriations Act of 1945 (Pub. L. 79–124); (2) Oversees the Center's stock and the quality control of the manufacturing and repackaging of pharmaceuticals under a license agreement with the Food and Drug Administration; and (3) Ensures that all internal controls are in place and oversees the security of all controlled substances under a license from the Drug Enforcement Administration.

Under *Part P, Section P–20, Functions*, after the title and statement for Chapter PF, Information Technology Service (PF), add the following:

*Office of the Director (PFA)*

(1) Provides executive direction, leadership, guidance, and support to all Information Technology Service (ITS) components; (2) Oversees the development and implementation of administrative support functions for the ITS including administrative policies, financial operating plans, budgeting, personnel management and hardware and property inventories; (3) Prepares data for performance reports and assists in developing the cost of services to ITS's user charge-back system; (4) Develops and coordinates information technology (IT) plans, standards and policies and recommends IT systems and equipment for the PSC; (5) Researches IT state-of-the art developments within other Federal agencies and private sector organizations; (6) Researches, develops and coordinates the ITS Computer Performance Management Program; (7) Reviews DHHS agencies' IT and data communications strategic plans and budgets for impact on the ITS; (8) Plans for and documents the decisions of all ITS user advisory committee meetings; and (9) Manages the Information System Security program for the PSC.

*Division of Computing Services (PFB)*

(1) Serves as the initial point of contact for program managers and current and prospective users of professional and technical services provided by the ITS; (2) Provides assistance, short-term problem solving, and technical consultation to ITS users upon request in achieving systems objectives and in employing new technological developments; assists in systems simulation activities and in providing information on systems software and operations; (3) Operates and manages the central computer facility, on a fee-for-service basis, and operates the departmental data communications network; recommends the acquisition of additional resources as required to operate the ITS; (4) Implements and manages the fee-for-service accounting and billing system for the ITS; (5) Develops standards and methodologies for the design and testing of new ITS systems or improvements of existing systems; (6) Prepares and maintains current documentation which describes all aspects of the ITS computer operations; (7) Plans, coordinates, and carries out a comprehensive IT education and training program for users of the ITS; and (8) Maintains an inventory of all supplies, including training manuals, technical publications, and computer procedures and programs required by ITS users.

*Division of Systems and Network Management (PFC)*

(1) Develops and maintains the internal operating architecture of the ITS computer and the Departmental Information Management Exchange System (DIMES)—the departmental nationwide data communications network; (2) Evaluates, develops and integrates multiple host computers, data communications processors, and local area networks to provide a nationwide data communications network with departmentwide connectivity; (3) Coordinates computer operating systems, data communications networks, and connectivity plans with DHHS data communications managers; (4) Provides planning and technical assistance regarding software and hardware configuration design and interfaces with applications systems; (5) Researches and develops improved data processing functions; develops expertise in complex systems in keeping with state-of-the-art methodologies; (6) Adapts and modified the computer operating system and other system software to conform to ITS standards and procedures; (7) Maintains a change management system which describes all changes to the computer operating system and other system software; and (8) Develops and implements computer performance techniques to evaluate resource consumption using such tools as hardware monitors, software monitors, and real-time performance profile generators to optimize processing performance.

*Division of Advanced Applications Development (PFE)*

(1) Develops advanced management, financial, and scientific application systems on a fee-for-service basis; (2) Researches and analyzes program needs, develops system plans, secures agency approvals, designs application systems, and formulates work statements for systems development and implementation; (3) Acts as a central resource for the development of

computer applications; provides analysis, design, programming, testing, implementation, training, documentation, systems maintenance support, and technical assistance in the development of advanced and general purpose computer applications; (4) Conducts studies in determining the feasibility and compatibility of proposed advanced application systems and reviews hardware and software changes to determine the impact on application systems that were developed and maintained by the ITS; (5) Implements applications using data base management systems; provides expertise in data base management software, high level programming language, and state-of-the-art application development languages; (6) Maintains awareness of current technology through training, reading and researching trade journals, and contact with other organizations concerning new concepts and techniques in applications developments; (7) Provides support to agencies in the operation and management of production IT application systems on a fee-for-service basis; and (8) Provides support to administrative organizations for the development, enhancement, modification, and maintenance of integrated administrative management information systems.

This reorganization is effective upon date of signature (December 15, 1995).

Dated: December 15, 1995.

John C. West,

*Acting Director, Program Support Center.*

[FR Doc. 96–770 Filed 1–22–96; 8:45 am]

**BILLING CODE 4160–17–M**

## Office of the Secretary

## Findings of Scientific Misconduct

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

*Durga K. Paruchuri, Ph.D., University of North Carolina, Chapel Hill:* Based on an investigation conducted by the University of North Carolina, Chapel Hill (UNC), and information obtained during its oversight review, the Office of Research Integrity (ORI), concluded that Dr. Durga K. Paruchuri committed scientific misconduct by falsifying research records and falsely reporting to her supervisor and in a grant application submitted to the Public Health Service (PHS) that she had produced a clone of meningococcal bacteria transferrin binding protein 1, labeled ''pUNCH 701,'' and used it to obtain a second clone, ''pUNCH 702.'' Furthermore, ORI accepted the UNC finding that Dr. Paruchuri falsified research records at the Lineberger Cancer Research Center oligonucleotide synthesis facility in an attempt to support her false claim. The research was supported by PHS grant R37 AI26837 and reported in grant application 1 RO1 AI32115–01A1.

Dr. Paruchuri accepted the ORI findings and agreed to exclude herself voluntarily for a period of two years beginning December 21, 1995, from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government. Dr. Paruchuri further agreed that for a period of one year in addition to and immediately following the two year exclusion period, any institution which submits an application for PHS support for a research project on which Dr. Paruchuri's participation is proposed, or which uses Dr. Paruchuri in any capacity on PHS supported research, or which submits a report of PHS funded research in which Dr. Paruchuri is involved, must concurrently submit a plan of supervision and certification of data accuracy. Dr. Paruchuri also agreed to exclude herself voluntarily from serving in any advisory capacity to the PHS for a period of three years beginning December 21, 1995.

**FOR FURTHER INFORMATION, CONTACT:** Director, Division of Research Investigations, Office of Research Integrity, 301–443–5330.

Lyle W. Bivens,

*Director, Office of Research Integrity.*

[FR Doc. 96–813 Filed 1–22–96; 8:45 am]

**BILLING CODE 4160–17–P**

## Agency for Toxic Substances and Disease Registry

## Public Meeting of the Inter-Tribal Council on Hanford Health Projects (ICHHP), in Association With the Meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

The Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

*Name:* Public Meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP), in association with the meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

*Time and Date:* 9 a.m.—4:30 p.m., February 7, 1996.

*Location:* Marines' Memorial Club, 609 Sutter Street, San Francisco, California 94102, telephone 415/673–6672, FAX 415/441–3649.

*Status:* Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

*Background:* A Memorandum of Understanding (MOU) was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS delegated program responsibility to CDC.

Community involvement is a critical part of ATSDR's and CDC's energy-related research and activities and input from members of the ICHHP is part of these efforts. The ICHHP will work with the HHES to provide input on Native American health effects at the Hanford, Washington, site.

*Purpose:* The purpose of this meeting is to address issues that are unique to tribal involvement with the HHES including considerations regarding a proposed medical monitoring program and explorations of options and alternatives to providing support for tribal involvement in the HHES.

*Matters To Be Discussed:* Agenda items will include a dialogue around issues that are unique to tribal involvement with the HHES. This will include exploring options and alternatives to providing support for tribal involvement in HHES and a discussion of tribal representation on HHES.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Linda A. Carnes, Health Council Advisor, ATSDR, E–28, 1600 Clifton Road NE., Atlanta, Georgia 30333, telephone 404/639–0730, FAX 404/639–0759.

Dated: January 16, 1996.

Julia M. Fuller,

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96–797 Filed 1–22–96; 8:45 am]

**BILLING CODE 4163–70–M**

## Agency for Toxic Substances and Diseases Registry

### Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

*Name:* Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

*Times and Dates:* 8:30 a.m.–5 p.m., February 8, 1996; 7 p.m.–9 p.m., February 8, 1996; 9 a.m.–5 p.m., February 9, 1996.

*Place:* Marines' Memorial Club, 609 Sutter Street, San Francisco, California 94102, telephone 415/673–6672, FAX 415/441–3649.

*Status:* Open to the public, limited only by the space available. The meeting room accommodates approximately 150 people.

*Background:* A Memorandum of Understanding (MOU) was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS delegated program responsibility to CDC.

*Purpose:* The purpose of this meeting is to receive an update from the Inter-tribal Council on Hanford Health Projects; brief on the status of the R–11 Survey; receive reports from the Outreach, Public Health Activities, and Health Studies Work Groups; and address other issues and topics, as necessary.

*Matters To Be Discussed:* The Subcommittee will consider a number of items including ATSDR's medical monitoring options, ATSDR's planning for a medical assistance program, and solicitation of concerns the Subcommittee wants ATSDR and CDC to address.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Linda A. Carnes, Health Council Advisor, ATSDR, E–28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639–0730, FAX 404/639–0759.

Dated: January 16, 1996.

Julia M. Fuller,

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96–798 Filed 1–22–96; 8:45 am]

**BILLING CODE 4163–70–M**

## Centers for Disease Control and Prevention

**[INFO–96–08]**

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–3453.

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 for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. Metropolitan Atlanta Birth Defect and Risk Factor Surveillance Program—(0920–0010)—Extension—Birth defects are the leading cause of infant mortality in the United States, and they cause a great deal of lifelong morbidity. One in 33 infants are born with a major birth defect. Occasionally, medications or environmental agents have been recognized as causes of birth defects, an example being the drug thalidomide in the early 1960s. Unless surveillance of trends and unusual patterns in birth defects is undertaken, new ''thalidomides'' may be introduced and fail to be recognized in a timely fashion. The Metropolitan Atlanta Congenital Defects Program (MACDP) has conducted such surveillance since 1967 using existing hospital and clinic medical records.

The causes of the majority of birth defects, however, are not known. Birth Defects Risk Factor Surveillance (BDRFS) (which began in January, 1993) attempts to find the causes of a selected subset of major anomalies, using an ongoing case-control study approach. BDRFS draws its cases from the data collected by MACDP and conducts in-depth interviews with the parents of affected infants and a comparison set of randomly selected parents of unaffected infants.

The objectives of these two activities are: (1) To conduct surveillance for congenital anomalies in metropolitan Atlanta; (2) to gain new information on causes of birth defects; (3) to further evaluate factors already suspected of influencing the occurrence of birth defects; and (4) to develop and test methods (including the use of biologic markers of exposure and susceptibility) in birth defect surveillance that would be exportable to other birth defects surveillance systems. The total cost to respondents is estimated at $6,000.

| Respondents | Number of respondents | Number of responses/ respondent | Average burden/response (in hours.) | Total burden (in hours.) |
|---|---|---|---|---|
| BDRFS Parents Questionnaire | 600 | 1 | 1 | 600 |
| Total | | | | 600 |

2. Case-Control Study of Infant Pulmonary Hemorrhage in the United States—New—The purpose of this proposed study is to conduct a nationwide case-control study to investigate the association between the presence of molds, particularly *Stachybotrys atra (S. atra),* in the home environment and the development of pulmonary hemorrhage in infants. From January 1993 to November 1994, a cluster of 18 infant pulmonary hemorrhage cases were identified in Cleveland, Ohio. An epidemiologic, clinical, and laboratory investigation conducted by pediatric pulmonologists in Cleveland, the Ohio Department of Health (ODH), the City of Cleveland Department of Public Health (CDPH), the Cuyahoga County Board of Health (CCBH) with assistance from CDC, uncovered evidence that suggested an etiological role for environmental contaminants in the development of this disease. Of particular concern are trichothecene derivatives, which are potent mycotoxins produced by the fungus, *S. atra.* Trichothecene toxins have been indited as etiologic agents in hemorrhagic disorders in animals, but these compounds have not previously been associated with pulmonary hemorrhage in humans. Although the investigation in Cleveland produced evidence that exposure to toxin-laden spores from *S. atra* may be involved in the etiology of pediatric pulmonary hemorrhage, there is not yet sufficient data to indicate whether or not these mycotoxins are associated with pulmonary hemorrhage in other areas of the U.S. There is no cost to respondents.

| Respondents | Number of respondents | Number of responses/ respondent | Average burden/response (in hours) | Total burden (in hours) |
|---|---|---|---|---|
| Parents of a diagnosed infant (case) | 30 | 1 | 1 | 30 |
| Parents of a well infant (control) | 30 | 1 | 1 | 30 |
| Control recruitment telephone interview | 15 | 1 | .167 | 3 |
| Total | | | | 63 |

3. National Passive Surveillance for Invasive Group A Streptococcal Infections and the Streptococcal Toxic Shock Syndrome—(0920–0276)—Reinstatement—The frequency and severity of invasive group A streptococcal (GAS;*S.pyogenes*) infections has increased in the United States since the mid-1980s. In 1992, nationwide passive surveillance for invasive GAS infections was approved by OMB for a limited period and a 3-page paper surveillance form was sent to State and local health departments. Data obtained through surveillance was used to follow trends in serotype distribution; clinical data contributed to formulating the definition of the streptococcal toxic shock syndrome (STSS) and to investigating the pathogenesis this and other severe streptococcal syndromes such as necrotizing fasciitis.

In 1994, the Surveillance Committee of the Council of State and Territorial Epidemiologists (CSTE) met to discuss changes in the National Public Health Surveillance System. It was proposed that invasive GAS infections and STSS be added to the list of reportable diseases. This proposal was approved by CSTE in the spring of 1995. The proposed surveillance method includes hospital laboratory based reporting of culture confirmed invasive GAS infections (i.e., infection associated with a GAS isolate from a normally sterile site) to the State or local health department with electronic transmission of data to CDC. Cases would be defined as having STSS based on a consensus definition published in 1993 by the Working Group on Severe Streptococcal Infections. Clinical data needed to establish whether STSS was present would be obtained from physicians or medical records and recorded electronically or on a 1-page paper form. Data from surveillance will be used to continue to monitor trends in disease occurrence, and to identify clusters of infection or other settings where public health interventions may result in prevention of disease.

This system is likely to reduce the reporting burden compare with the previous approved surveillance in that the basic data collected on all cases includes only patient demographics, site of infection, clinical diagnosis, and outcome. Health departments, at their discretion, may also collect data needed to define a patient as having STSS, which includes obtaining data on seven clinical findings and can be recorded on a single page. Thus, both routine data collection and definition of STSS will require less time and effort than previously required to complete the 3-page reporting form. Electronic data transmission, through NETSS or a comparable system, will also facilitate reporting by States to CDC through and established and accepted system. The total cost to respondents is $20,000, based on an average hourly salary for those who complete and submit the reports.

| Respondents | Number of respondents | Number of responses/ respondent | Average burden per response | Total burden |
|---|---|---|---|---|
| State Health Departments | 50 | 40 | .5 | 1000 |
| Total | | | | 1000 |

4. National Nosocomial Infections Surveillance (NNIS) System—(0920–0012)—Extension—The National Nosocomial Infections Surveillance (NNIS) system is currently the only source for national data on nosocomial (hospital-associated) infections in the United States. It first began collecting data in 1970. It is a collaborative project between the Hospital Infections Program of the Centers for Disease Control and Prevention (CDC) and voluntarily participating hospitals in the United States. The goals of the system are to: (1) Develop comparative nosocomial infection rates that can be used by hospitals to assess quality of care, (2) describe the scope and magnitude, including trends, of the nosocomial infection problem in the U.S., (3) identify risk factors associated with these infections, (4) assist hospitals in the effective use of surveillance data to improve the quality of patient care, and (5) conduct collaborative research studies. Data are collected using protocols developed by CDC that define the specific populations of patients at risk, risk factors, and outcomes. The decision about which component(s) to use is made by each hospital depending on its own needs for surveillance data. The data are collected by trained surveillance personnel, assisted by hospital personnel, and are entered into IDEAS, a surveillance software which makes the data available for analysis at the hospital's convenience. The data are currently transmitted to CDC by floppy disk, then aggregated into a national database. During 1996, it will become possible for some hospitals to transmit the data to CDC through the NNIS telecommunications system. This system is expected to be used by all participating hospitals by 1997, resulting in reduced response time. NNIS methodology, which has been published, is the standard nosocomial infection surveillance methodology and is used at least in part by most U.S. hospitals. The total cost for respondents is estimated at $11,395.

| Respondents | Number of respondents | Number of responses/ respondent | Average burden/ response (in hours) | Total burden (in hours) |
|---|---|---|---|---|
| Hospitals | 251 | 12 | 0.16 | 481 |
| Total | | | | 481 |

5. Emergency Epidemic Investigations—(0920–0008)—Extension—During most emergency situations, CDC specialists (epidemiologist, biostatisticians, laboratory specialists, etc.) work under the aegis of a State or local health department. Usually such investigations are completed by the State or local government, with technical assistance from CDC. Occasionally, an investigation must be continued or is multistate or global. In these cases, CDC collects or sponsors the collection of information from the public. This request, therefore, is for the extension of OMB approval to collect data in such emergency situation. There is no cost to the respondent.

| Respondents | Number of respondents | Number of responses/ respondents | Average burden/ response (in hours) | Total burden (in hours) |
|---|---|---|---|---|
| General Public | 16,550 | 1 | 0.31 | 5131 |

Wilma G. Johnson,

*Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96–827 Filed 1–22–96; 8:45 am]

BILLING CODE 4163–18–P

**[30DAY–05]**

## Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Office on (404) 639–3453.

The following requests have been submitted for review since the enactment of the PRA of 1995 on December 5, 1995.

Proposed Project

1. End Stage Renal Disease Study—(0920–0011)—Reinstatement—Kidney disease is one of the priority health conditions ATSDR has identified for epidemiologic studies. Contaminants such as heavy metals and solvents are commonly found at hazardous waste sites and have been linked to end-stage renal disease in occupational studies. A case-control study of end-stage renal disease and residential proximity to hazardous waste sites conducted in New York State under the previous clearance suggested an increased risk for this association. An expansion of this original study is now planned in California to determine whether these findings can be replicated. The cases of end-stage renal disease will be identified from the records of the Health Care Financing Administration. Controls will be recruited by random

digit dialing and frequency matched to cases on age, sex, and race. All participants will be interviewed by telephone to obtain residential history and other information on exposures, demographics, and health. The plan is to interview 400 cases (200 with diabetes and 200 without). Each participant will only be interviewed once for approximately 45 minutes. Information on the proximity of residences to hazardous waste sites will be obtained from the California Department of Health.

| Respondents | Number of respondents | Number of responses/respondents | Average burden/response (in hours) |
|---|---|---|---|
| Diabetes patients | 200 | 1 | 0.75 |
| Persons without diabetes ..... | 200 | 1 | 0.75 |

The total annual burden is 300. Send comments to Allison Eydt; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503.

Wilma G. Johnson,

*Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96–828 Filed 1–22–96; 8:45 am]

**BILLING CODE 4163–18–P**

## Disease, Disability, and Injury Prevention and Control Special Emphasis Panel Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 60 FR 57433—dated November 15, 1995.

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Grants for Education Programs in Occupational Safety and Health—Program Announcement 123 Meeting: Date Change.

**SUMMARY:** Notice is given that the dates for the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Grants for Education Programs in Occupational Safety and Health—Program Announcement 123 Meeting have changed. The meeting times, location, status, purpose and matters to be discussed announced in the original notice remain unchanged.

**ORIGINAL DATES:** January 7, 1996; January 8, 1996; January 9, 1996.

**NEW DATES:** February 4, 1996; February 5, 1996; February 6, 1996.

The shutdown of the Federal Government followed by inclement weather prevented meeting the 15-day publication requirement.

**CONTACT PERSON FOR MORE INFORMATION:** Bernadine Kuchinski, Ph.D., Occupational Health Consultant, Office of Extramural Coordination and Special Projects, National Institute for Occupational Safety and Health, CDC, M/S D40, Atlanta, Georgia 30333, telephone 404/639–3342.

Dated: January 17, 1996.

Carolyn J. Russell,

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 96–829 Filed 1–22–96; 8:45 am]

**BILLING CODE 4163–19–M**

## Health Care Financing Administration

**[ORD–083–N]**

## New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: November 1995

**AGENCY:** Health Care Financing Administration (HCFA).

**ACTION:** Notice.

**SUMMARY:** This notice lists new proposals for Medicaid demonstration projects submitted to the Department of Health and Human Services during the month of November 1995 under the authority of section 1115 of the Social Security Act. This notice also lists proposals that were approved, disapproved, pending, or withdrawn during this time period. (This notice can be accessed on the Internet at HTTP://WWW.SSA.GOV/HCFA/HCFAHP2.HTML.)

**COMMENTS:** We will accept written comments on these proposals. We will, if feasible, acknowledge receipt of all comments, but we will not provide written responses to comments. We will, however, neither approve nor disapprove any new proposal for at least 30 days after the date of this notice to allow time to receive and consider comments. Direct comments as indicated below.

**ADDRESSES:** Mail correspondence to: Susan Anderson, Office of Research and Demonstrations, Health Care Financing Administration, Mail Stop C3–11–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

**FOR FURTHER INFORMATION CONTACT:** Susan Anderson, (410) 786–3996.

**SUPPLEMENTARY INFORMATION:**

I. Background

Under section 1115 of the Social Security Act (the Act), the Department of Health and Human Services (HHS) may consider and approve research and demonstration proposals with a broad range of policy objectives. These demonstrations can lead to improvements in achieving the purposes of the Act.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. On September 27, 1994, we published a notice in the Federal Register (59 FR 49249) that specified (1) the principles that we ordinarily will consider when approving or disapproving demonstration projects under the authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

As part of our procedures, we publish a notice in the Federal Register with a monthly listing of all new submissions, pending proposals, approvals, disapprovals, and withdrawn proposals. Proposals submitted in response to a grant solicitation or other competitive process are reported as received during the month that such grant or bid is awarded, so as to prevent interference with the awards process.

II. Listing of New, Pending, Approved, and Withdrawn Proposals for the Month of November 1995

*A. Comprehensive Health Reform Programs*

1. New Proposals

No new proposals were received during the month of November.

2. Pending Proposals

Demonstration Title/State: Better Access for You (BAY) Health Plan Demonstration—Alabama.

Description: Alabama proposes to create a mandatory managed care delivery system in Mobile County for non-institutionalized Medicaid beneficiaries and an expansion population of low-income women and children. The network, called the Bay Health Network, would be administered by the PrimeHealth Organization, which is owned by the University of South Alabama Foundation. The State also proposes to expand family planning

benefits for pregnant women whose income is less than 133 percent of the Federal poverty level.

Date Received: July 10, 1995.

State Contact: Vicki Huff, Director, Managed Care Division, Alabama Medicaid Agency, P.O. Box 5624, Montgomery, AL 36103–5624 (334) 242–5011.

Federal Project Officer: Maria Boulmetis, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Arizona Health Care Cost Containment System (AHCCCS)—Arizona.

Description: Arizona proposes to expand eligibility under its current section 1115 AHCCCS program to individuals with incomes up to 100 percent of the Federal poverty level.

Date Received: March 17, 1995.

State Contact: Mabel Chen, M.D., Director, Arizona Health Care Cost Containment System, 801 East Jefferson, Phoenix, AZ 85034, (602) 271–4422.

Federal Project Officer: Joan Peterson, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: The Georgia Behavioral Health Plan—Georgia.

Description: Georgia proposes to provide behavioral health services under a managed care system through a section 1115 demonstration. The plan would be implemented by regional boards that would contract with third party administrators to develop a network of behavioral health providers. The currently eligible Medicaid population would be enrolled in the program and would have access to a full range of behavioral health services. Once the program realizes savings, the State proposes to expand coverage to individuals who are not otherwise eligible for Medicaid.

Date Received: September 1, 1995.

State Contact: Margaret Taylor, Coordinator for Strategic Planning, Department of Medical Assistance, 1 Peachtree Street, NW, Suite 27–100, Atlanta, GA 30303–3159, (404) 657–2012.

Federal Project Officer: Nancy Goetschius, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Demonstration Title/State: MediPlan Plus—Illinois

Description: Illinois seeks to develop a managed care delivery system using a series of networks, either local or statewide, to tailor its Medicaid delivery system to the needs of local urban neighborhoods or large rural areas.

Date Received: September 15, 1994.

State Contact: Tom Toberman, Manager, Federal/State Monitoring, 201 South Grand Avenue East, Springfield, IL 62763, (217) 782–2570.

Federal Project Officer: Gina Clemons, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Community Care of Kansas—Kansas.

Description: Kansas proposes to implement a ''managed cooperation demonstration project'' in four predominantly rural counties, and to assess the success of a non-competitive managed care model in rural areas. The demonstration would enroll persons currently eligible in the Aid to Families with Dependent Children (AFDC) and AFDC-related eligibility categories, and expand Medicaid eligibility to children ages 5 and under with family incomes up to 200 percent of the Federal poverty level.

Date Received: March 23, 1995.

State Contact: Karl Hockenbarger, Kansas Department of Social and Rehabilitation Services, 915 Southwest Harrison Street, Topeka, KS 66612, (913) 296–4719.

Federal Project Officer: Jane Forman, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–21–04, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Louisiana Health Access—Louisiana.

Description: Louisiana proposes to implement a fully capitated statewide managed care program. A basic benefit package and a behavioral health and pharmacy wrap-around would be administered through the managed care plans. The State intends to expand Medicaid eligibility to persons with incomes up to 250 percent of the Federal poverty level; those with incomes above 133 percent of the Federal poverty level would pay all or a portion of premiums.

Date Received: January 3, 1995.

State Contact: Carolyn Maggio, Executive Director, Bureau of Research and Development, Louisiana Department of Health and Hospitals, P.O. Box 2870, Baton Rouge, LA 70821–2871, (504) 342–2964.

Federal Project Officer: Gina Clemons, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Missouri.

Description: Missouri proposes to require Medicaid beneficiaries to enroll in managed care delivery systems, and extend Medicaid eligibility to persons with incomes below 200 percent of the Federal poverty level. As part of the program, Missouri would create a fully capitated managed care pilot program to serve non-institutionalized persons with permanent disabilities on a voluntary basis.

Date Received: June 30, 1994.

State Contact: Donna Checkett, Director, Division of Medical Services, Missouri Department of Social Services, P.O. Box 6500, Jefferson City, MO 65102–6500, (314) 751–6922.

Federal Project Officer: Nancy Goetschius, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: The Granite State Partnership for Access and Affordability in Health Care—New Hampshire.

Description: New Hampshire proposes to extend Medicaid eligibility to adults with incomes below the AFDC cash standard and to create a public insurance product for low-income workers. The State also seeks to implement a number of pilot initiatives to help redesign its health care delivery system.

Date Received: June 14, 1994.

State Contact: Barry Bodell, New Hampshire Department of Health and Human Services, Office of the Commissioner, 6 Hazen Drive, Concord, NH 03301–6505, (603) 271–4332.

Federal Project Officer: Maria Boulmetis, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: The Partnership Plan—New York.

Description: New York proposes to move most of the currently eligible Medicaid population and Home Relief (General Assistance) populations from a primarily fee-for-service system to a managed care environment. The State also proposes to establish special needs plans to serve individuals with HIV/AIDS and certain children with mental illnesses.

Date Received: March 17, 1995.

State Contact: Richard T. Cody, Deputy Commissioner, Division of Health and Long Term Care, 40 North Pearl Street, Albany, NY 12243, (518) 474–9132.

Federal Project Officer: Debbie Van Hoven, Health Care Financing Administration, Office of Research and

Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: State of Texas Access Reform (STAR)—Texas.

Description: Texas is proposing a section 1115 demonstration that will restructure the Medicaid program using competitive managed care principles. A focal point of the proposal is to utilize local governmental entities (referred to as Intergovernmental Initiatives (IGIs)) and to make the IGI responsible for designing and administering a managed care system in its region. Approximately 876,636 new beneficiaries would be served during the 5-year demonstration in addition to the current Medicaid population. Texas proposes to implement the program in June 1996.

Date Received: September 6, 1995.

State Contract: Cathy Rossberg, State Medicaid Office, P.O. Box 13247, Austin, TX 78711, (512) 502–3224.

Federal Project Officer: Alisa Adamo, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Section 1115 Demonstration Waiver for Medicaid Expansion—Utah.

Description: Utah proposes to expand eligibility for Medicaid to all individuals with incomes up to 100 percent of the Federal poverty level (subject to limited cost sharing) and to enroll all Medicaid beneficiaries in managed care plans. The State also proposes to streamline eligibility and administrative processes and to develop a subsidized small employer health insurance plan.

Date Received: July 5, 1995.

State Contact: Michael Deily, Acting Division Director, Utah Department of Health, Division of Health Care Financing, 288 North 1460 West, P.O. Box 142901, Salt Lake City, UT 84114–2901, (801) 538–6406.

Federal Project Officer: David Walsh, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

3. Approved Conceptual Proposals (Award of Waivers Pending)

No conceptual proposals were approved during the month of November.

4. Approved Grant Proposals (Award of Waivers Pending)

No grant proposals were awarded during the month of November.

5. Approved Proposals

No comprehensive health reform proposals were approved during the month of November.

6. Disapproved Proposals

No comprehensive health reform proposals were disapproved during the month of November.

7. Withdrawn Proposals

No comprehensive health reform proposals were withdrawn during the month of November.

*B. Other Section 1115 Demonstration Proposals*

1. New Proposals

No new proposals were received during the month of November.

2. Pending Proposals

Demonstration/Title: Medicaid Family Planning Services for Women of Childbearing Age—Arkansas.

Description: Arkansas seeks to extend Medicaid eligibility for family planning services only to post partum women under 133 percent of the Federal poverty level who would have lost benefits 60 days after delivery. The demonstration will streamline the application process for these women and make income requirements less stringent. Women will be eligible for family planning benefits for 5 years or the length of the demonstration.

Date Received: October 2, 1995.

State Contact: David Rickard, Arkansas Department of Human Services, 329 Donaghey Building, P.O. Box 1437, Little Rock, AK 72203–1437, (501) 682–8650.

Federal Contact: Rosemarie Hakim, Ph.D., Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–24–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Alternatives in Medicaid Home Care Demonstration—Colorado.

Description: Colorado proposes to conduct a pilot project that eliminates the restriction on provision of Medicaid home health services in locations other than the beneficiary's place of residence. The proposal would also permit nursing aides to perform functions that historically have been provided only by skilled nursing staff. Medicaid beneficiaries participating in the project will be adults (including both frail elderly clients and younger clients with disabilities) who can live independently and self-direct their own care. The project would provide for delegation of specific functions from nurses to certified nurses aides, pay nurses for shorter supervision and monitoring visits, and allow higher payments to aides performing delegated nursing tasks. Currently, home health agency nursing and nurse aide services are paid on a per visit basis. Each visit is approximately 2–4 hours in duration, and recipients must require skilled, hands-on care.

Date Received: June 3, 1995.

State Contact: Dann Milne, Director, Department of Health Care Policy and Financing, 1575 Sherman Street, Denver, CO 80203–1714, (303) 866–5912.

Federal Project Officer: Phyllis Nagy, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–21–06, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration/Title: Integrated Care and Financing Project Demonstration—Colorado.

Description: Colorado proposes to conduct an Integrated Care and Financing Project demonstration. Specifically, the Colorado Department of Health Care Policy and Financing proposes to add institutional and community-based long-term care services to a health maintenance organization (HMO) and make the HMO responsible for providing comprehensive medical and supportive services through one capitated rate. The project would include all Medicaid eligibility groups, including individuals with dual eligibility.

Date Received: September 28, 1995.

State Contact: Dann Milne, Office of Long-Term Care System Development, State of Colorado Department of Health Care Policy and Financing, 1575 Sherman Street, Denver, CO 80203–1714, (303) 866–5912.

Federal Contact: Melissa McNiff, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Georgia Children's Benefit Plan—Georgia.

Description: Georgia submitted a section 1115 proposal entitled ''Georgia Children's Benefit Plan'' to provide preventive and primary care services to children aged 1 through 5 living in families with incomes between 133 percent and 185 percent of the Federal poverty level. The duration of the project is 5 years with proposed project dates of July 1, 1995 to June 30, 2000.

Date Received: December 12, 1994.

State Contact: Jacquelyn Foster-Rice, Georgia Department of Medical Assistance, 2 Peachtree Street Northwest, Atlanta, GA 30303–3159, (404) 651–5785.

Federal Project Officer: Maria Boulmetis, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Family Planning Services Section 1115 Waiver Request—Michigan.

Description: Michigan seeks to extend Medicaid eligibility for family planning services to all women of childbearing age with incomes at or below 185 percent of the Federal poverty level, and to provide an additional benefit package consisting of home visits, outreach services to identify eligibility, and reinforced support for utilization of services. The duration of the project is 5 years.

Date Received: March 27, 1995.

State Contact: Gerald Miller, Director, Department of Social Services, 235 South Grand Avenue, Lansing, MI 48909, (517) 335–5117.

Federal Project Officer: Suzanne Rotwein, Ph.D., Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–24–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Montana Mental Health Access Plan—Montana.

Description: Montana proposes to provide all mental health services for current Medicaid-eligible individuals through managed care and to expand Medicaid eligibility to persons with incomes up to 200 percent of the Federal poverty level. Newly eligible individuals would receive only mental health benefits, and would not be eligible for other health services under the demonstration. A single statewide contractor would provide the mental health services and also determine eligibility, perform inspections, and handle credentialing.

Date Received: June 16, 1995.

State Contact: Nancy Ellery, State Medicaid Director, Department of Social and Rehabilitation Services, P.O. Box 4210, 111 North Sanders, Helena, MT 59604–4210, (406) 444–4540.

Federal Project Officer: Nancy Goetschius, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Family Planning Proposal—New Mexico.

Description: New Mexico proposes to extend Medicaid eligibility for family planning services to all women of childbearing age with incomes at or below 185 percent of the Federal poverty level.

Date Received: November 1, 1994.

State Contact: Bruce Weydemeyer, Director, Division of Medical Assistance, P.O. Box 2348, Santa Fe, NM 87504–2348, (505) 827–3106.

Federal Project Officer: Suzanne Rotwein, Ph.D., Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–24–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: CHOICES—Citizenship, Health, Opportunities, Interdependence, Choices and Supports—Rhode Island.

Description: Rhode Island proposes to consolidate all current State and Federal funding streams for adults with developmental disabilities under one program using managed care/managed competition.

Date Received: April 5, 1994.

State Contact: Susan Babin, Department of Mental Health, Retardation, and Hospitals, Division of Developmental Disabilities, 600 New London Avenue, Cranston, RI 02920, (401) 464–3234.

Federal Project Officer: Melissa McNiff, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–21–06, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Family Planning Services Eligibility Requirements Waiver—South Carolina.

Description: South Carolina proposes to extend Medicaid coverage for family planning services for 22 additional months to postpartum women with monthly incomes under 185 percent of the Federal poverty level. The objectives of the demonstration are to increase the number of reproductive age women receiving either Title XIX or Title X funded family planning services following the completion of a pregnancy, increase the period between pregnancies among mothers eligible for maternity services under the expanded eligibility provisions of Medicaid, and estimate the overall savings in Medicaid spending attributable to providing family planning services to women for 2 years postpartum. The duration of the proposed project would be 5 years.

Date Received: May 4, 1995.

State Contact: Eugene A. Laurent, Executive Director, State Health and Human Services Finance Commission, P.O. Box 8206, Columbia, SC 29202–8206, (803) 253–6100.

Federal Project Officer: Suzanne Rotwein, Ph.D., Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–24–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Demonstration Title/State: Wisconsin.

Description: Wisconsin proposes to limit the amount of exempt funds that may be set aside as burial and related expenses for SSI-related Medicaid beneficiaries.

Date Received: March 9, 1994.

State Contact: Jean Sheil, Division of Economic Support, Wisconsin Department of Health and Social Services, 1 West Wilson Street, Room 650, P.O. Box 7850, Madison, WI 53707, (608) 266–0613.

Federal Project Officer: J. Donald Sherwood, Health Care Financing Administration, Office of Research and Demonstrations, Mail Stop C3–16–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

3. Approved Conceptual Proposals (Award of Waivers Pending)

No conceptual proposals were awarded during the month of November.

4. Approved Proposals

No proposals were approved during the month of November.

5. Disapproved Proposals

No proposals were disapproved during the month of November.

6. Withdrawn Proposals

No proposals were withdrawn during the month of November.

IV. Requests for Copies of a Proposal

Requests for copies of a specific Medicaid proposal should be made to the State contact listed for the specific proposal. If further help or information is needed, inquiries should be directed to HCFA at the address above.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations, and Experiments)

Dated: December 14, 1995.

Bruce C. Vladeck,

*Administrator, Health Care Financing Administration.*

[FR Doc. 96–824 Filed 1–22–96; 8:45 am]

BILLING CODE 4120–01–P

## Health Resources and Services Administration

## Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Health Resources and Services Administration (HRSA) will publish

periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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.

Proposed Projects

1. Annual Space Utilization Report (OMB No. 0915–0056)—Extension No Change—The Annual Space Utilization Report form is used to monitor schools which have received construction funds under the Health Professions and Nurse Training Facilities Grant Programs (Titles VII and VIII of the Public Health Service Act). Recipients report annually whether grant-supported space is being utilized according to the terms of the original grant. Average annual burden estimates are as follows:

| Type of respondent | No. of respondents | Annual responses per respondent | Avg. burden/response | Total burden hours |
|---|---|---|---|---|
| Schools | 98 | 1 | 1 hour | 98 |

2. Federal Set-Aside Program of the Maternal and Child Health Services Block Grant Program—42 CFR 51a.4 (OMB No. 0915–0050)—Extension, No Change—This request is for extension of approval of language in the regulations which specifies the kinds of information which must be provided in applications for funding under Section 502(a) of the Social Security Act. The burden associated with completing the application is included with the materials that are submitted separately to OMB for approval of the application forms.

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 16, 1996.

J. Henry Montes,

*Associate Administrator for Policy Coordination.*

[FR Doc. 96–757 Filed 1–22–96; 8:45 am]

**BILLING CODE 4160–15–P**

## National Institutes of Health

### Notice of Meeting of the National Advisory Council for Human Genome Research

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council for Human Genome Research, National Center for Human Genome Research, February 5 and 6, 1996, Embassy Suites Chevy Chase Pavilion, Chevy Chase I and II, 4300 Military Road, NW., Washington, DC.

This meeting will be open to the public on Monday, February 5, from 8:30 a.m. to 11:30 a.m. to discuss administrative details or other issues relating to committee activities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on February 5 at 11:30 a.m. to recess and on February 6 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Elke Jordan, Deputy Director, National Center for Human Genome Research, National Institutes of Health, Building 31, Room 4B09, Bethesda, Maryland 20892, (301) 496–0844, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Jane Ades, (301) 594–1929, two weeks in advance of the meeting.

This notice is being published less than fifteen days prior to the meeting due to the partial shutdown of the Federal Government.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research.)

Dated: January 16, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

[FR Doc. 96–802 Filed 1–22–96; 8:45 am]

**BILLING CODE 4140–01–M**

### National Center for Research Resources; 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 National Center Research Resources Emphasis Panel (SEP) meetings:

*Name of SEP:* National Center for Research Resources Special Emphasis Panel—Research Centers in Minority Institutions.

*Dates:* January 16–19, 1996.

*Time:* 7:00 p.m.

*Place:* The New Otani Kaimana Beach Hotel, 2863 Kalakaua Avenue, Honolulu, Hawaii 96815.

*Contact Person:* Dr. Charles G. Hollingsworth, Scientific Review Administrator, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, Maryland 20892–7965, (301) 435–0813.

*Purpose/Agenda:* To evaluate and review grant applications.

This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.

*Name of SEP:* National Center for Research Resources Special Emphasis Panel—Biomedical Research Technology.

*Dates:* February 1–2, 1996.

*Time:* 8:00 p.m.

*Place:* Doubletree Hotel, Rockville, Maryland 20852.

*Contact Person:* Dr. Charles G. Hollingsworth, Scientific Review Administrator, 6705 Rockledge Drive, MSC

7965, Room 6018, Bethesda, Maryland 20892–7965, (301) 435–0813.

*Purpose/Agenda:* To evaluate and review grant applications.

These meetings will be closed in accordance with the provision set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.371, Biomedical Research Technology, No. 93.389, Research Centers in Minority Institutions.)

Dated: January 16, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

[FR Doc. 96–803 Filed 1–22–96; 8:45 am]

BILLING CODE 4140–01–M

## National Heart, Lung, and Blood Institute; Notice of a 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 Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

*Name of SEP:* Risk Factors in Early Human Atherogenesis (Telephone Conference Call).

*Date:* January 19, 1996.

*Time:* 1:00 p.m.

*Place:* Two Rockledge Center, Room 7178, Bethesda, Maryland 20892–7924.

*Contact Person:* Dr. David Monsees, Two Rockledge Center, Room 7178, Bethesda, Maryland 20892–7924, (301) 435–0270.

*Purpose/Agenda:* To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the partial shutdown of the Federal Government and urgent need to meet timing limitations imposed by the grant review cycle.

(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 16, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

[FR Doc. 96–799 Filed 1–22–96; 8:45 am]

BILLING CODE 4140–01–M

## National Institute of Dental Research; Notice of a Meeting of the National Advisory Dental Research Council

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on January 22–23, 1996. The meeting of the full Council will be open to the public on January 22 from 8:30 a.m. to recess, Natcher Conference Room E, Building 45, National Institutes of Health, Bethesda, Maryland, for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on January 23, 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications and for the discussion, review and evaluation of the Board of Scientific Counselors' report. These applications and information concerning individuals associated with the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal applications and reports, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Dushanka V. Kleinman, Executive Secretary, National Advisory Dental Research Council, and Deputy Director, National Institute of Dental Research, National Institutes of Health, Building 31, Room 2C39, Bethesda, Maryland 20892, (telephone (301) 496–9469) will furnish a roster of committee members, a summary of the meeting, and other information pertaining to the meeting. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary listed above in advance of the meeting.

This notice is being published less that fifteen days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research).

Dated; January 16, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

FR Doc. 96–804 Filed 1–22–96; 8:45 am]

BILLING CODE 4140–01–M

## National Institute of Neurological Disorders and Stroke; Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the National Institute of Neurological Disorders and Stroke (NINDS).

The National Advisory Neurological Disorders and Stroke Council and its subcommittee meetings will be open to the pubic as indicated below. Attendance by the public will be limited to space available.

The meetings will be closed to the pubic as indicated below in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pubic Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and 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.

Summaries of meetings, rosters of committee members, and other information pertaining to the meetings can be obtained from the Executive Secretary or the Scientific Review Administrator indicated. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary listed for the meeting.

*Name of Committee:* The Planning Subcommittee of the National Advisory Neurological Disorders and Stroke Council.

*Date:* February 7, 1996.

*Place:* National Institutes of Health, Building 31, Conference Room 8A28, 9000 Rockville Pike, Bethesda, MD 20892.

*Closed:* 1:30 p.m.–recess.

*Name of Committee:* National Advisory Neurological Disorders and Stroke Council.

*Dates:* February 8–9, 1996.

*Place:* National Institutes of Health, Building 31, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

*Open:* February 8, 9 a.m.—approximately 3 p.m.

*Agenda:* A report by the Director, NINDS; a report by the Director, Division of

Extramural Activities, NINDS; a report by the Scientific Director, NINDS, and a scientific presentation by an NINDS intramural scientist.

*Closed:* February 8, approximately 3 p.m.–recess, February 9, 8:30 a.m.–adjournment.

*Executive Secretary:* Constance W. Atwell, Ph.D., Director, Division of Extramural Activities, NINDS, National Institutes of Health, Bethesda, MD 20892, Telephone: (301) 496–9248.

This notice is being published less than 15 days prior to the above meetings due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.

The following meetings will be totally closed to review and evaluate grant applications.

*Name of Committee:* National Institute of Neurological Disorders and Stroke Initial Review Group Subcommittee A.

*Dates:* February 18–20, 1996.

*Time:* February 18, 7:30 p.m.–recess, February 19, 8:30 a.m.–recess, February 20, 8:30 a.m.–adjournment.

*Place:* Federal Building, 7550 Wisconsin Ave., Rm. B1–19, Bethesda, MD 20892.

*Contact Person:* Dr. Katherine Woodbury, Scientific Review Administrator, National Institutes of Health, Federal Building, Room 9C–14, Bethesda, MD 20892, (301) 496–9223.

*Name of Committee:* National Institute of Neurological Disorders and Stroke Initial Review Group Subcommittee B.

*Dates:* February 21–23, 1996.

*Time:* February 21, 8 p.m.–recess, February 22, 8 a.m.–recess, February 23, 8 a.m.–adjournment.

*Place:* La Jolla Cove Motel, 1155 Coast Boulevard, La Jolla, CA 92037.

*Contact Person:* Dr. Paul Sheehy, Scientific Review Administrator, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

*Name of Committee:* Training Grant and Career Development Review Committee.

*Date:* February 22, 1996.

*Time:* February 22, 8 a.m.–adjournment.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

*Contact Person:* Dr. Alfred Gordon, Scientific Review Administrator, National Institutes of Health, Federal Building, Room 9C–14, Bethesda, MD 20892, (301) 496–9223.

(Catalog of Federal Domestic Assistance Program No. 93.853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences).

Date: January 16, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

[FR Doc. 96–801 Filed 1–22–96; 8:45 am]

**BILLING CODE 4140–01–M**

## Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

*Purpose/Agenda:* To review individual grant applications.

*Name of SEP:* Behavioral and Neurosciences.

*Date:* January 18, 1996.

*Time:* 7:30 a.m.

*Place:* Empress Hotel, La Jolla, California.

*Contact Person:* Dr. Herman Teitelbaum, Scientific Review Administrator, 6701 Rockledge Drive, Room 5190, Bethesda, Maryland 20892, (301) 435–1254.

This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government.

*Name of SEP:* Biological and Physiological Sciences.

*Date:* February 23, 1996.

*Time:* 8 a.m.

*Place:* Hyatt Regency, Bethesda, Maryland.

*Contact Person:* Dr. Bob Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5204, Bethesda, Maryland 20892, (301) 435–1261.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applicants and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 16, 1996.

Susan K. Feldman,

*Committee Management Officer, NIH.*

[FR Doc. 96–800 Filed 1–22–96; 8:45 am]

**BILLING CODE 4140–01–M**

## Public Health Service

## National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 1975, as amended most recently at 60 FR 50634, September 29, 1995) is amended to reflect the reorganization of the National Institute of Mental Health (NIMH) (HN7), as follows: In the Office of the Director (HN71) transfer the technical services function from the Office of Scientific Information (OSI) (HN718) to the Office of Resource Management (ORM) (HN719) and revised the functional statements of OSI and ORM.

Section HN–B, Organizations and Functions is amended as follows: (1) Under the heading *National Institute of Mental Health (HN7),* insert the following:

*Office of Scientific Information (HN718).* Administers the Institute's public communications, scientific information dissemination and media relations activities for both professionals and the public.

*Office of Resource Management (HN719).* Directs and coordinates the Institute's resource allocation, management improvement, and technical services processes by overseeing: (a) Program planning and financial management; (b) grant and acquisition activities; (c) information resource management; (d) program analysis, (e) management policy and procedure development, interpretation, and implementation; (f) the provision of general administration services throughout the Institute; (g) personnel operations; and (h) visual and audiovisual information services and technical guidance.

Dated: December 13, 1995.

Harold Varmus,

*Director, NIH.*

[FR Doc. 96–805 Filed 1–22–96; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Assistant Secretary for Community Planning and Development

**[Docket No. FR–3853–N–03]**

## Housing Opportunities for Persons With AIDS Program; Announcement of Revised Allocations

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this notice announces revisions that were made to formula-based allocations under the Fiscal Year 1995 Housing Opportunities for Persons with AIDS (HOPWA) program pursuant to a rescission of part

of those funds. This notice provides for a reduction of $13.5 million of program funds that were previously announced as part of the Department's Consolidated Plan notice. This notice contains the names of the allocation recipients, the original allocation amount, the revised allocation amount and the difference in the two amounts.

**FOR FURTHER INFORMATION CONTACT:** Fred Karnas, Jr., Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, Room 7154, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1934. The TDD number for the hearing impaired is (202) 708–2565. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The purpose of the HOPWA program is to provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of low-income persons living with HIV/AIDS and their families.

The assistance made available for this program is authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), as amended by the Housing and Community Development Act of 1992 (Public Law 102–550, approved October 28, 1992) and was appropriated by the HUD Appropriations Act of 1995 (Pub. L. 103–327, approved September 28, 1994), as amended by Pub. L. 104–19, approved July 27, 1995. The original allocation to 66 jurisdictions was announced in a Notice of fiscal year 1995 Consolidated Formula Allocations for Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Programs published in the Federal Register on January 25, 1995 (60 FR 5010).

At the beginning of Fiscal Year 1995, a total of $167,400,000 was allocated to 66 jurisdictions based on the original appropriation. The HOPWA program is required to allocate ninety percent of program funds based on a statutory formula which uses the reported number and incidence of cases of AIDS in a community. The reduction of $13,500,000 in the FY 1995 formula allocations represents ninety percent of $15,000,000 which was rescinded from the original appropriation. The other ten percent of program funds is awarded by competition; in fiscal year 1995, $1,500,000 of competitive funds originally available were rescinded and therefore not awarded under the 1995 HOPWA competition pursuant to a Notice of Funding Availability (NOFA) published in the Federal Register on February 16, 1995 (60 FR 9260). The announcement of awards under that NOFA was published in the Federal Register on October 30, 1995 (60 FR 55277).

Based on the revised appropriation for the program of $171,000,000, the revised formula provides a total of $153,900,000 in this notice. The following revised allocations for each of the 66 formula grants are a reduction of approximately 8.1 percent each:

| 1995 formula grantee arranged by HUD region | Original allocation (in 000s) | Revised allocation (in 000s) | Reduction amount (in 000s) |
|---|---|---|---|
| **New England Region** | | | |
| Connecticut (outside the Hartford EMSA) | 1,162 | 1,068 | 94 |
| Hartford CT MSA | 644 | 592 | 52 |
| Massachusetts (outside the Boston EMSA) | 975 | 896 | 79 |
| Boston MA-NH PMSA | 1,859 | 1,709 | 150 |
| **New York, New Jersey Region** | | | |
| New Jersey (outside of 5 EMSAs) | 1,175 | 1,080 | 95 |
| Paterson for Bergen-Passaic NJ PMSA | 1,268 | 1,166 | 102 |
| Jersey City NJ PMSA | 2,050 | 1,885 | 165 |
| Woodbridge for the Middlesex-Somerset-Hunterdon NJ PMSA | 600 | 552 | 48 |
| Newark NJ PMSA | 5,219 | 4,798 | 421 |
| New York State (outside 2 EMSAs) | 2,266 | 2,083 | 183 |
| Islip for the Nassau-Suffolk NY PMSA | 1,221 | 1,123 | 98 |
| New York NY PMSA | 41,699 | 38,336 | 3,363 |
| **Mid-Atlantic Region** | | | |
| Pennsylvania (outside the Philadelphia EMSA) | 1,278 | 1,175 | 103 |
| Philadelphia PA-NJ PMSA | 3,226 | 2,966 | 260 |
| Virginia (outside the DC EMSA) | 1,149 | 1,056 | 93 |
| Baltimore MD PMSA | 2,669 | 2,454 | 215 |
| Washington DC-MD-VA-WV PMSA | 4,659 | 4,283 | 376 |
| **Southeast Region** | | | |
| Alabama | 897 | 825 | 72 |
| Florida (outside of 6 EMSAs) | 2,576 | 2,368 | 208 |
| Fort Lauderdale FL PMSA | 3,167 | 2,912 | 255 |
| Jacksonville FL MSA | 796 | 732 | 64 |
| Miami FL PMSA | 7,906 | 7,268 | 638 |
| Orlando FL MSA | 882 | 811 | 71 |
| Tampa-St Petersburg-Clearwater FL PMSA | 1,674 | 1,539 | 135 |
| West Palm Beach-Boca Raton FL PMSA | 1,552 | 1,427 | 125 |
| Georgia (outside the Atlanta EMSA) | 978 | 899 | 79 |
| Atlanta GA MSA | 2,630 | 2,418 | 212 |
| Mississippi | 590 | 542 | 48 |
| North Carolina | 1,593 | 1,465 | 128 |

| 1995 formula grantee arranged by HUD region | Original allocation (in 000s) | Revised allocation (in 000s) | Reduction amount (in 000s) |
|---|---|---|---|
| Puerto Rico (outside the San Juan EMSA) | 1,566 | 1,440 | 126 |
| San Juan-Bayamon PR PMSA | 4,026 | 3,701 | 325 |
| South Carolina | 1,248 | 1,147 | 101 |
| Tennessee | 1,114 | 1,024 | 90 |
| **Midwest Region** | | | |
| Chicago IL PMSA | 3,576 | 3,288 | 288 |
| Indiana | 1,030 | 947 | 83 |
| Michigan (outside the Detroit EMSA) | 569 | 523 | 46 |
| Detroit MI PMSA | 1,313 | 1,207 | 106 |
| Minneapolis-St Paul MN-WI MSA | 619 | 569 | 50 |
| Ohio (outside the Cleveland EMSA) | 1,400 | 1,287 | 113 |
| Cleveland-Lorain-Elvyria OH PMSA | 543 | 499 | 44 |
| Wisconsin (outside the Minneapolis EMSA) | 650 | 598 | 52 |
| **Southwest Region** | | | |
| Louisiana (outside the New Orleans EMSA) | 804 | 739 | 65 |
| New Orleans LA MSA | 1,282 | 1,179 | 103 |
| Oklahoma | 678 | 623 | 55 |
| Texas (outside of 5 EMSAs) | 1,584 | 1,456 | 128 |
| Dallas TX PMSA | 2,240 | 2,059 | 181 |
| Ft Worth-Arlington TX PMSA | 521 | 479 | 42 |
| Houston TX PMSA | 4,678 | 4,301 | 377 |
| Austin-San Marcos TX MSA | 1,050 | 965 | 85 |
| San Antonio TX MSA | 693 | 637 | 56 |
| **Great Plains Region** | | | |
| Kansas City MO-KS MSA | 823 | 757 | 66 |
| St. Louis MO-IL MSA | 861 | 792 | 69 |
| **Rocky Mountain Region** | | | |
| Denver CO PMSA | 1,148 | 1,055 | 93 |
| **Pacific/Hawaii Region** | | | |
| Phoenix-Mesa AZ MSA | 827 | 760 | 67 |
| California (outside of 8 EMSAs) | 2,154 | 1,980 | 174 |
| Oakland CA PMSA | 1,564 | 1,438 | 126 |
| Sacramento CA PMSA | 585 | 538 | 47 |
| San Francisco CA PMSA | 12,357 | 11,360 | 997 |
| San Jose CA PMSA | 601 | 553 | 48 |
| Nevada | 644 | 592 | 52 |
| Los Angeles-Long Beach CA PMSA | 9,727 | 8,943 | 784 |
| Santa Ana for the Orange County CA PMSA | 1,093 | 1,005 | 88 |
| Riverside-San Bernardino CA PMSA | 1,109 | 1,020 | 89 |
| San Diego CA MSA | 2,080 | 1,912 | 168 |
| **Northwest/Alaska Region** | | | |
| Portland-Vancouver OR-WA PMSA | 723 | 665 | 58 |
| Seattle-Bellevue-Everett WA PMSA | 1,560 | 1,434 | 126 |
| 1995 Formula Total | 167,400 | 153,900 | 13,500 |

NOTE: The FY 1995 formula allocation provides 66 grants, including grants to 43 Eligible Metropolitan Statistical Areas (EMSAs) and 23 States. The grantee for this grant is the State or, for the EMSA, the most populous city in that area, which is the first jurisdiction named in the EMSA title (except as noted).

Dated: January 16, 1996.

Andrew Cuomo,

*Assistant Secretary for Community Planning and Development.*

[FR Doc. 96–768 Filed 1–22–96; 8:45 am]

**BILLING CODE 4210–29–P**

## Office of the Assistant Secretary for Public and Indian Housing

**[Docket No. FR–3677–N–02]**

## Announcement of Funding Awards for Fiscal Year 1994 for Elderly Service Coordinators

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Announcement of funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 94 to housing agencies for elderly service coordinators under the Section 8 rental voucher HOPE for elderly independence demonstration program. The only eligible housing agencies were those agencies awarded rental voucher funding in FY 92 and FY 93 under the HOPE for elderly independence demonstration program. The purpose of this Notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to reimburse HA for the cost of hiring elderly service coordinators for the HOPE for elderly independence demonstration program.

**FOR FURTHER INFORMATION CONTACT:** Gerald J. Benoit, Director, Operations Division, Office of Rental Assistance, Office of Public and Indian Housing, Room 4220, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–8000, telephone (202) 708–0477. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The purpose of the HOPE for elderly independence demonstration program is to target and tailor supportive services and tenant-based rental assistance to the frail elderly to enable them to continue to live independently in a cost efficient way and prevent premature or unnecessary institutionalization. The FY 94 awards announced in this notice were made under a non-competitive process identified in a Federal Register notice published on July 6, 1994 (59 FR 34746).

A total of $3,021,553 of budget authority for service coordinators was awarded to 16 recipients. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the names, addresses, and amounts of those awards in Appendix A of this document.

Dated: December 19, 1995.

Kevin Emanuel Marchman,

*Deputy Assistant Secretary for Distressed and Troubled Housing Recovery.*

Appendix A.—Section 8 Rental Assistance Program FY 1994 Elderly Service Coordinators Funding Decisions

| Recipients | Amount |
|---|---|
| NEW ENGLAND AREA: | |
| LYNN HOUSING AUTHORITY, 174 S COMMON ST, LYNN MA 01905, | 172,680 |
| HA OF THE CITY OF WESTBROOK, PO BOX 349, WESTBROOK ME 04092 | 125,185 |
| NEW HAMPSHIRE HSG FINANCE AUTHORITY, PO BOX 5087, 24 CONSTITUTION DRIVE, MANCHESTER NH 03108 | 250,000 |
| SOUTHEAST AREA: | |
| HOUSING AUTHORITY OF JEFFERSON COUNTY, 801 VINE STREET, LOUISVILLE KY 40204 | 221,500 |
| KENTUCKY HOUSING CORPORATION, 1231 LOUISVILLE ROAD, FRANKFORT KY 40601 | 129,245 |
| MIDWEST AREA: | |
| EAU CLAIRE COUNTY HOUSING AUTHORITY, 731 OXFORD AVE, EAU CLAIRE WI 54703 | 80,320 |
| SOUTHWEST AREA: | |
| WHITE RIVER REGIONAL HOUSING AUTHORITY, BOX 650, MAIN STREET/HIGHWAY 69 EAST, MELBOURNE AR 72556 | 249,520 |
| GREAT PLAINS AREA: DES MOINES PUBLIC HOUSING AUTHORITY, 1101 CROCKER ST., DES MOINES IA 50309 | 231,900 |
| ROCKY MOUNTAIN AREA: | |
| BOULDER COUNTY HOUSING AUTHORITY, P. O. BOX 471, BOULDER CO 80306 | 180,590 |
| JEFFERSON COUNTY HOUSING AUTHORITY, 1445 HOLLAND ST., LAKEWOOD CO 80215 | 58,524 |
| PACIFIC/HAWAII AREA: | |
| L. A. CITY HOUSING AUTHORITY, 2600 WILSHIRE BLVD. LOS ANGELES CA 90057 | 219,170 |
| CITY OF TUCSON, COMMUNITY SERVICES, DEPT, HOUSING MANAGEMENT DIVISION, P. O. BOX 27210, 1501 N. ORACLE ROAD #103 TUCSON AZ 85726 | 185,616 |
| CITY OF MESA HOUSING AUTHORITY, 415 N. PASADENA ST., MESA AZ 85201 | 185,248 |
| HA OF THE CITY OF REDDING, 760 PARKVIEW AVE, REDDING CA 96001 | 245,000 |
| ALAMEDA COUNTY HOUSING AUTHORITY, 22941 ATHERTON STREET, HAYWARD CA 94544 | 250,000 |
| NORTHWEST/ALASKA AREA: | |
| HA OF THE CITY OF SEATTLE, 120 SIXTH AVE. N. SEATTLE WA 98109 | 237,055 |
| Total | 3,021,553 |

[FR Doc. 96–769 Filed 1–22–96; 8:45 am]

**BILLING CODE 4210–33–P**

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## Approval of Petition for Reassumption of Exclusive Jurisdiction by the Red Cliff Band of Lake Superior Chippewa Indians of Bayfield, Wisconsin, Over Indian Child Custody Proceedings Involving Indian Children Who Are Enrolled or Eligible for Enrollment With the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin and Who Reside or are Domiciled Within the Exterior Boundaries of the Red Cliff Indian Reservation, in the State of Wisconsin, in the County of Bayfield

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over Indian child custody proceedings involving Indian children who are enrolled or eligible for enrollment with the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin and who reside or are domiciled within the exterior boundaries of the Red Cliff Indian Reservation, in the State of Wisconsin, in the County of Bayfield.

The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the

official approval of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin's petition by the Department of the Interior.

**EFFECTIVE DATE:** The Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin reassumes exclusive jurisdiction March 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** The principal author of this document is Betty B. Tippeconnie, Department of the Interior, Bureau of Indian Affairs, Division of Social Services, 1849 C St., N.W., Mail Stop 310 SIB, Washington, D. C., 20240. (202) 208–2721.

**SUPPLEMENTARY INFORMATION:** The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 CFR 13.14 and 209 DM 8. Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95–608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings, pursuant to Federal statute, to reassume jurisdiction over such proceedings.

To reassume such jurisdiction, a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. Notice of receipt of this petition was published in the Federal Register, Vol. 60, No. 211, page 55588, on November 1, 1995. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the Federal Register.

The geographic area subject to the reassumption of exclusive jurisdiction by the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin is within the exterior boundaries of the Red Cliff Indian Reservation, in the State of Wisconsin, in the County of Bayfield.

Dated: December 13, 1995.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96–815 Filed 1–22–96; 8:45 am]

**BILLING CODE 4310–02–P**

## Approval of Petition for Reassumption of Exclusive Jurisdiction by the Washoe Tribe of Nevada and California Over Indian Child Custody Proceedings Involving Indian Children Who Are Enrolled or Eligible for Enrollment With the Washoe Tribe of Nevada and California and Who Reside or are Domiciled on Washoe Held or Occupied Trust Lands, Inclusive of any Public Domain Trust Allotments, in the State of California Within the County of Alpine, Commonly Known as the Woodsford Indian Community (Colony), the Wade Property, and the Sacramento Public Domain Trust Allotments

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Washoe Tribe of Nevada and California has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over Indian child custody proceedings involving Indian children who are enrolled or eligible for enrollment with the Washoe Tribe of Nevada and California and who reside or are domiciled on Washoe-held or occupied Trust Lands, inclusive of any public domain trust allotments, in the State of California within the County of Alpine, commonly known as the Woodsford Indian Community (Colony), the Wade Property, and the Sacramento Public Domain Trust Allotments.

The Assistant Secretary—Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Washoe Tribe of Nevada and California's petition by the Department of the Interior.

**EFFECTIVE DATE:** The Washoe Tribe of Nevada and California reassumes exclusive jurisdiction March 25, 1996.

**FOR FURTHER INFORMATION CONTACT:** The principal author of this document is Betty B. Tippeconnie, Department of the Interior, Bureau of Indian Affairs, Division of Social Services, 1849 C St., N.W., Mail Stop 310 SIB, Washington, D.C., 20240. (202) 208–2721.

**SUPPLEMENTARY INFORMATION:** The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 CFR 13.14 and 209 DM 8. Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95–608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings, pursuant to Federal statute, to reassume jurisdiction over such proceedings.

To reassume such jurisdiction, a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. Notice of receipt of this petition was published in the Federal Register, Vol. 60, No. 211, page 55588, on November 1, 1995. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the Federal Register.

The geographic area subject to the reassumption of exclusive jurisdiction by the Washoe Tribe of Nevada and California is on Washoe held or occupied Trust Lands, inclusive of any public domain trust allotments, in the State of California within the County of Alpine, commonly known as the Woodsford Indian Community (Colony), the Wade Property, and the Sacramento Public Domain Trust Allotments.

Dated: December 13, 1995.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 96–816 Filed 1–22–96; 8:45 am]

**BILLING CODE 4310–02–M**

## Bureau of Land Management

**[AK–962–410–00–P, AK–6664–C, AA–6664–D, AA–6664–A2]**

### Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to the English Bay Corporation for approximately 14,370.02 acres. The lands involved are in the vicinity of the Kenai Fjords, Alaska.

Seward Meridian, Alaska

U.S. Survey No. 4779,
T. 5 S., R. 3 W.,
T. 5 S., R. 4 W.,
T. 7 S., R. 7 W.,
T. 7 S., R. 8 W.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in *The Seward Phoenix Log.* Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until February 22, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

*Chief, Branch of Gulf Rim Adjudication.*

[FR Doc. 96–830 Filed 1–22–96; 8:45 am]

BILLING CODE 4310–JA–M

**[WY–030–96–1310–01]**

## Notice of Intent To Prepare an Environmental Impact Statement; South Baggs Area Natural Gas Project, Carbon County, Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and to conduct scoping for the South Baggs Area Natural Gas Project, Carbon County, Wyoming.

**SUMMARY:** Under section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as amended, the Bureau of Land Management (BLM), Rawlins District Office, will direct the preparation of an EIS on the potential impacts of a proposed natural gas field development project. Between 40 and 50 gas wells and associated facilities could be constructed on approximately 11,000 acres of private, Federal and State lands, over a 10-year development period. The project area is located in Carbon County, Wyoming. The proposed action may be modified, as a result of comments received during scoping or anytime during the preparation of the draft EIS, to include actions that may, upon review, require a plan amendment to the Great Divide Resource Management Plan. Also, in accordance with 43 CFR 3420.1–2, this notice serves as a call for coal and other resource information to solicit indications of interest and information on coal resource development potential in the proposed project area and on other resources which may be affected by the proposed project. Affected Federal Lands are administered by the BLM Rawlins District office. The EIS will be prepared by a third party contractor.

**DATES:** Comments on the scoping process will be accepted through March 1, 1996. Public scoping meetings are not planned at this time.

**ADDRESSES:** Comments should be sent to Bureau of Land Management, Rawlins District Office, Larry Jackson, Team Leader, 812 E. Murray, Rawlins, Wyoming 82301.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Larry Jackson, Team Leader, 812 E. Murray, Rawlins, Wyoming 82301, phone 307–324–4841.

**SUPPLEMENTARY INFORMATION:** Meridian Oil, Inc., has proposed a 10-year field development project. The proposed project area, referred to as the South Baggs Area, is generally located in Townships 12 and 13 North, Ranges 92 and 93 West sixth principal meridian, Carbon County, Wyoming. The project area is located approximately 2.5 miles west of Baggs, Wyoming, along the Wyoming-Colorado border. The project area is approximately 11,000 acres in size. Land ownership is 91 percent Federal and 9 percent private. The mineral estate is 5.8 percent State owned, 9 percent privately owned, and the remaining 85.2 percent is Federally-owned mineral administered by the BLM Rawlins District office. The Federal land surface involved is also administered by the BLM Rawlins District office.

Meridian Oil, Inc.'s, proposal is to drill 40 to 50 new wells and construct associated facilities, including roads, well pads, pipelines, and compressor stations. Most of the subject area is within the South Baggs Oil and Gas Unit and not subject to spacing restrictions. Drilling of exploratory or confirmation/delineation wells on existing Federal leases will be permitted during the preparation of the EIS, on a case-by-case basis. A site-specific environmental assessment will be prepared for individual drilling proposals for each of these applications.

This EIS will address cumulative impacts and will include consideration of affects of other proposed oil and gas projects, addressed in the recently completed EISs for the Mulligan Draw Gas Field Project, the Creston/Blue Gap Natural Gas Project, the Greater Wamsutter II Natural Gas Project and the Continental Divide Project Development Area. Potential issues to be addressed in the EIS include, but are not limited to: Impacts to wildlife populations and their habitat, access road development and transportation management, surface and ground water resources, impacts from additional drilling and production activities, reclamation, noxious weed control, conflicts with livestock grazing operations, protection of cultural resources, threatened and endangered species, and cumulative impacts.

Dated: January 17, 1996.

Alan R. Pierson,

*State Director.*

[FR Doc. 96–898 Filed 1–22–96; 8:45 am]

BILLING CODE 4310–22–P

## Fish and Wildlife Service

## Convention on International Trade in Endangered Species (CITES) Notification; Recommendations From CITES Secretariat on Prohibitions of Trade in Certain Animal Species From Fourteen Countries

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Information No. 25.

**SUMMARY:** This is a schedule III notice. Wildlife subject to this notice is subject to detention, refusal of clearance or seizure, and forfeiture if imported into the United States. Violators may also be subject to criminal or civil prosecution. This Notice of Information is an update from the prohibitions contained in NOI 24. Specifically, this NOI removes the prohibition on imports of leopard cat from China, and adds prohibitions on imports of three species of hinge-back tortoises from Ghana and Greek tortoises from Turkey.

**DATES:** This notice is effective on January 23, 1996. This notice will be effective until further notice. The import measures announced in this notice shall apply to shipments of wildlife which have a date of export or re-export fifteen (15) days after the effective date of this notice.

**ADDRESSES:** Dr. Susan S. Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Dr., room 420C, Arlington, VA 22203, regarding Notifications to the Parties, or Thomas L. Striegler, Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive., room 500, Arlington, VA 22203, for enforcement actions.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan S. Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, telephone (703) 358–2093, regarding Notifications to the Parties, or Thomas L. Striegler, Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law

Enforcement, telephone (703) 358–1949, for enforcement actions.

**SUPPLEMENTARY INFORMATION:** Article IV, paragraph 2 of the CITES treaty allows commercial and noncommercial trade in species listed in CITES Appendix II, but export permits for such trade may be issued only if a designated Management Authority of the country has determined that the specimens were legally acquired, and if a designated Scientific Authority of that country has advised the Management Authority that the export will not be detrimental to the survival of the species. Article IV, paragraph 3 goes on to require that exports of Appendix II species be regulated so as to ensure that the population level of a species is consistent with that species' role in its ecosystem and that the population level of that species be maintained well above the level where it might qualify for inclusion in Appendix I.

Over the past decade, CITES parties have become increasingly concerned that certain Appendix II species are subject to particularly high volumes of trade without sufficient biological data for Scientific Authorities to make the necessary judgments that exports are not detrimental to the species, as required by Article IV. In 1983, CITES parties adopted a resolution at the Fourth Conference of the Parties in Gaborone, Botswana, acknowledging that many parties are not effectively implementing Article IV and thus risk losing the benefits of continued availability of these resources. This resolution, Conf. 4.7, established a project to identify Appendix II species involved in significant levels of international trade, and to develop and negotiate with exporting and importing countries whatever measures were necessary to bring trade down to levels consistent with Article IV.

In 1987, at the Sixth Conference of the Parties in Ottawa, Canada, parties charged the newly established CITES Animals Committee with the task of establishing a list of Appendix II species being significantly affected by trade, reviewing all available information, and formulating remedial measures for these species. The CITES Secretariat coordinated or contracted for studies to develop lists of mammal, bird, and reptile species and collect relevant information about these species, in cooperation with the IUCN World Conservation Union. The U.S. Fish and Wildlife Service (Service) cooperated with and provided financial support for a number of these studies.

At the Eighth Conference of the Parties in 1992, in Kyoto, Japan, CITES parties adopted a resolution developed by the CITES Animals Committee which recognized that substantial trade in wild-caught animals was still going on which was inconsistent with to the provisions of Article IV, and that necessary remedial measures were not being properly implemented. This resolution, Conf. 8.9, established a formal process for the Animals Committee to recommend remedial measures, including ''zero quotas'' (that is, temporary trade bans) when appropriate; for the Secretariat to communicate these recommendations to the exporting countries; and, where exporting countries do not satisfactorily implement the measures, for the CITES Standing Committee to call on parties to suspend imports of these species from the offending countries until they are in compliance.

During meetings of the Animals Committee in 1992 and 1993, attended by representatives of the Service, remedial measures were developed and subsequently communicated to exporting countries by the Secretariat. The Standing Committee reviewed reports from the Secretariat of compliance and noncompliance with these remedial measures during three meetings in 1993 and 1994. The Service represented the United States in these meetings, with the Department of State. During the last of these meetings, held in Geneva, Switzerland, in March, 1995, the Standing Committee directed the Secretariat to issue a formal notice calling for a suspension of trade in particular Appendix II species from twelve CITES parties.

Accordingly, on April 21, 1994, January 20, 1995, and August 31, 1995, the Secretariat issued Notifications to the Parties No. 800, 833, and 873, respectively, calling for a suspension of imports of these species from the affected countries. Implementation of these restrictions is necessary to stop trade considered to be detrimental to the survival of the species and thus in contravention of the requirements of CITES Article IV. CITES parties failing to implement these trade suspensions would be contributing to the decline of the affected species and would be subject to formal citation in the CITES Infractions Report and possible censure by the CITES Conference of the Parties.

Pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the U.S. Fish and Wildlife Service is granted the authority to detain, refuse clearance of, or seize any fish or wildlife or plants that are imported into the United States in violation of CITES. Regulations contained in 50 CFR § 14.53(c) indicate that refusal of clearance of imported wildlife is warranted if there are reasonable grounds to believe that documentation for the clearance of such wildlife is not valid. Similarly, regulations contained in 50 CFR § 23.12(a)(2) require that all imports of Appendix II wildlife into the United States be accompanied by a valid foreign export permit or re-export certificate, unless an exemption applies. The Service agrees with Notification to the Parties No. 800 and believes that any permits issued for the indicated species by the affected countries are not valid because required findings of ''non-detriment'' and/or lawful acquisition have not been credibly demonstrated by the exporting countries in light of the significant trade level in particular Appendix II species.

## SUMMARY OF U.S. PROHIBITIONS PURSUANT TO NOTICES OF INFORMATION (NOI)

[NOI22: Effective July 30, 1991; NOI23: Effective December 22, 1994; NOI24: Effective June 3, 1995; NOI25: Effective Date of Publication]

| Country | NOI No. | Species |
|---|---|---|
| Argentina | 23 | Lama guanicoe. |
| Azerbaijan | 23 | Felis lynx. |
| China | 23 | Ptyas mucosus. |
| Ghana | 25 | Kinixys belliana, K. erosa, K. homeana. |
| India | 23 | Rana tigerina. |
| | | Rana hexadactyla |
| Indonesia | 23 | Cacatua sulphurea. |
| | | Ptyas mucosus. |
| Latvia | 23 | Felis lynx. |
| Lithuania | 23 | Felis lynx. |
| Madagascar | 24 | Coracopsis vasa. |

SUMMARY OF U.S. PROHIBITIONS PURSUANT TO NOTICES OF INFORMATION (NOI)—Continued

[NOI22: Effective July 30, 1991; NOI23: Effective December 22, 1994; NOI24: Effective June 3, 1995; NOI25: Effective Date of Publication]

| Country | NOI No. | Species |
|---|---|---|
| | | Chamaeleo spp. (except Chameleo lateralis, C. oustaleti, C. pardalis, C. verrucosus). |
| | | Phelsuma spp. (except Phelsuma laticauda, P. lineata, P. madagascariensis, P. quadriocellata). |
| Moldova | 23 | Felis lynx. |
| Peru | 23 | Aratinga erythrogenys. |
| Solomon Is. | 24 | Ornithoptera urvillianus. |
| | | Ornithoptera victoriae. |
| Tanzania | 23&24 | Agapornis fischeri. |
| | | Eryx colubrinus. |
| | | Geochelone pardalis. |
| | | Malacochersus tornieri. |
| | | Poicephalus crytoxanthus. |
| | | Poicephalus meyeri. |
| | | Poicephalus rufiventris. |
| | | Tauraco fischeri. |
| Thailand | 22 | All CITES-listed wildlife (animals only). |
| Turkey | 25 | Testudo graeca. |
| Ukraine | 23 | Felis lynx. |

The subjects of this notice are as follows:

A. SUBJECT: China: ban on imports of specimens of leopard cat (*Prionailurus bengalensis*)(= *Felis bengalensis*).

*Source of Foreign Law Information:* CITES Secretariat Notification to the Parties No. 873, issued on August 31, 1995, calls on Parties to lift the suspension of imports of *Prionailurus bengalensis* (=*Felis bengalensis*) specimens from China.

*Action by the Fish and Wildlife Service:* Since the publication of Notice of Information No. 24 (60 FR 26897), the Secretariat has received information from the Management Authority of China relating to its implementation of the recommendations of the Animals Committee on significant levels of trade in *Prionailurus bengalensis* (=*Felis bengalensis*). The Secretariat is satisfied that China has initiated the action necessary to implement these recommendations. Therefore, the Standing Committee's recommendation to the Parties to suspend imports of specimens of *Prionailurus bengalensis* (=*Felis bengalensis*) is hereby withdrawn.

B. SUBJECT: Ghana: ban on imports of specimens of Bell's hinge-back tortoise (*Kinixys belliana*), Eroded hinge-back tortoise (*Kinixys erosa*), and Home's hinge-back tortoise (*Kinixys homeana*).

*This is a Schedule III Notice:* Wildlife subject to this notice is subject to detention, refusal of clearance, or seizure and forfeiture if imported into the United States.

*Source of Foreign Law Information:* CITES Secretariat Notification to the Parties No. 873, issued on August 31, 1995, calls on Parties to suspend imports of Bell's hinge-back tortoise (*Kinixys belliana*), Eroded hinge-back tortoise (*Kinixys erosa*), and Home's hinge-back tortoise (*Kinixys homeana*) specimens from Ghana.

*Action by the Fish and Wildlife Service:* Based on information received, Ghana has not satisfactorily implemented the recommendations of the CITES Standing Committee. Specifically, the Management Authority of Ghana must advise the CITES Secretariat of the following: that export quotas have been established for specimens of *Kinixys belliana, Kinixys erosa* and *Kinixys homeana.* Therefore, in accordance with the responsibility of the United States under CITES, and effective immediately and until further notice from the U.S. Fish and Wildlife Service, no shipments of specimens of Bell's hinge-back tortoise (*Kinixys belliana*), Eroded hinge-back tortoise (*Kinixys erosa*), and Home's hinge-back tortoise (*Kinixys homeana*) may be imported into the United States, directly or indirectly, from Ghana, unless an exemption in CITES Article VII applies.

C. SUBJECT: Turkey: ban on imports of specimens of Greek tortoise (*Testudo graeca*).

*This is a Schedule III Notice:* Wildlife subject to this notice is subject to detention, refusal of clearance, or seizure and forfeiture if imported into the United States.

*Source of Foreign Law Information:* CITES Secretariat Notification to the Parties No. 873, issued on August 31, 1995, calls on Parties to suspend imports of *Testudo graeca* specimens from Turkey.

*Action by the Fish and Wildlife Service:* Based on information received, Turkey has not satisfactorily implemented the recommendations of the CITES Standing Committee. Specifically, the Management Authority of Turkey must advise the CITES Secretariat of the following: that export quotas have been established for specimens of *Testudo graeca.* Therefore, in accordance with the responsibility of the United States under CITES, and effective immediately and until further notice from the U.S. Fish and Wildlife Service, no shipments of specimens of Greek tortoise (*Testudo graeca*) may be imported into the United States, directly or indirectly, from Turkey, unless an exemption in CITES Article VII applies.

Dated: December 21, 1995.

George T. Frampton, Jr.,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 96–811 Filed 1–22–96; 8:45 am]

BILLING CODE 4310–55–P

## Convention on International Trade in Endangered Species (CITES) Notification; Clarification of Prohibitions Based on Recommendations From CITES Secretariat on Prohibitions of Trade in Certain Animal Species From Certain Countries

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to clarify the import restrictions that were announced by the U.S. Fish and Wildlife Service (Service) in Notice of

Information (NOI) No. 23, published in the Federal Register on December 7, 1994 (59 FR 63101), and NOI No. 24, published in the Federal Register on May 19, 1995 (60 FR 26897), by establishing an exception to the prohibitions described in these notices. These Notices were issued pursuant to Convention on International Trade in Endangered Species (CITES) Notification to the Parties No. 800, issued on April 21, 1994, and No. 833, issued on January 20, 1995, respectively. This notice establishes that, until further notice, shipments of specimens of a species of wildlife from countries that are subject to the prohibitions announced in Notices of Information No. 23 and No. 24 and CITES Notifications No. 800 and No. 833 for that species, may be imported into the United States from an intermediary country (country of re-export) *only* if: such shipments are accompanied by acceptable CITES documents proving that the wildlife specimens involved were imported into that re-exporting country prior to the date of issuance of the earliest CITES Notification (No. 800 or No. 833) that applied to that specimen.

**DATES:** This notice is effective on January 23, 1996. This notice will be effective until further notice.

**ADDRESSES:** Dr. Susan Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 420C, Arlington, VA 22203, regarding Notifications to the Parties, or Thomas Striegler, Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan S. Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, telephone (703)358–2093, regarding Notification to the Parties, or Thomas Striegler, Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law Enforcement, telephone (703)358–1949, for enforcement actions.

**SUPPLEMENTARY INFORMATION:** Since the publication by the Service of NOI 23 and NOI 24, concern has been expressed by some of the CITES Party countries (especially those that re-export finished products containing wildlife) that existing stockpiles of specimens of species that were in fact imported into these Party countries prior to the issuance of CITES Notification numbers 800 and 833 are still subject to the prohibitions established in NOI 23 and NOI 24. The Service agrees that such specimens should not be subject to the prohibitions established in NOI 23 and NOI 24. Therefore, the Service will allow the import of shipments of such re-exported specimens into the United States only in the circumstance that these shipments are accompanied by a copy of an original CITES permit that proves that these specimens were imported into the country of re-export prior to the issuance of the earliest CITES Notification (No. 800 or No. 833) that applied to the specimen. Shipments of specimens of species that are subject to NOI 23 must be accompanied by a copy of an original CITES permit that proves that such specimens were imported into the country of re-export prior to April 21, 1994. Shipments of specimens of species that are subject to NOI 24, that were not subject to NOI 23, must be accompanied by a copy of an original CITES permit that proves that such specimens were imported into the country of re-export prior to January 20, 1995. This acceptable documentation must be in the form of a copy of the actual export permit or re-export certificate issued by the country of export or re-export that documents the legal shipment of the specimens in question into the country that wishes to ship the same specimens to the United States, and a document that shows that actual import took place prior to April 21, 1994, or January 20, 1995, whichever date applies.

Dated: December 21, 1995.

George T. Frampton, Jr.,

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 96–812 Filed 1–22–96; 8:45 am]

**BILLING CODE 4310–55–P**

## National Park Service

### General Management Plan/ Environmental Impact Statement for Oregon Caves National Monument, Oregon

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Intent To Prepare an Environmental Impact Statement.

**SUMMARY:** The National Park Service will prepare a General Management Plan/Environmental Impact Statement (GMP/EIS) for Oregon Caves National Monument.

A General Management Plan sets forth the basic management philosophy for a unit of the National Park System and provides the strategies for addressing issues and achieving identified management objectives for that unit. In the GMP/EIS and its accompanying public review process, the National Park Service will formulate and evaluate the environmental impacts of a range of alternatives to address distinct management strategies for the park, including resource protection and visitor use. The plan will guide the management of natural and cultural resources and visitor use of those resources for the next 15 years. Development concept plans for selected facilities may be included with the GMP.

Scoping is the term given to the process by which the scope of issues to be addressed in the GMP/EIS is identified. Representatives of Federal, State and local agencies, American Indian tribes, private organizations and individuals from the general public who may be interested in or affected by the proposed GMP/EIS are invited to participate in the scoping process by responding to this Notice with written comments. All comments received will become part of the public record and copies of comments, including any names, addresses and telephone numbers provided by respondents, may be released for public inspection.

Among the major issues likely to be addressed in the Oregon Caves GMP/EIS are the protection of cave resources, the relationship of forest ecology to cave ecosystems, water quality, viewshed protection, and the array of visitor services that may be provided by park and concession staff. A full range of alternatives, including ''no action'' and ''minimum requirements'' alternatives, will be considered in the GMP/EIS to address these and other issues that may emerge during the planning process.

The draft GMP/EIS is expected to be available for public review by early 1997 with the final version of the GMP/EIS and the Record of Decision to be completed by the end of 1997.

The responsible official is Stanley T. Albright, Field Director, Pacific West Area, National Park Service.

**DATES:** Public scoping meetings will be held Tuesday, 19 March 1996, 7:00–9:00 p.m. at the Illinois Valley Senior Center, 520 E. River Street, Cave Junction, OR 97523 and Thursday, 21 March 1996, 7:00–9:00 p.m. in the Grants Pass City Council Chambers, 101 NW ''A'' Street, Grants Pass, OR 97526. Written comments on the scope of the issues and alternatives to be analyzed in the GMP/EIS should be received no later than 30 April 1996.

**ADDRESSES:** Written comments concerning the GMP/EIS should be sent to the Superintendent, Oregon Caves National Monument, 19000 Caves Highway, Cave Junction, OR 97523.

**FOR FURTHER INFORMATION CONTACT:**

Superintendent, Oregon Caves National Monument at the above address or at telephone number (541) 592–2100.

Dated: December 18, 1995.

William C. Walters,

*Deputy Field Director, Pacific West Area, National Park Service.*

[FR Doc. 96–888 Filed 1–22–96; 8:45 am]

**BILLING CODE 4310–70–M**

## Dayton Aviation Heritage Commission

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Meeting.

**SUMMARY:** This notice sets the schedule for the forthcoming meeting of the Dayton Aviation Heritage Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

**MEETING DATE AND TIME:** Monday, February 26, 1996; 5:15 p.m. to 6:30 p.m.

**ADDRESSES:** Innerwest Priority Board conference room, 1024 West Third Street, Dayton, Ohio 45407.

**AGENDA TOPICS INCLUDE:** Update on the park and general management plan. This business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons accommodated on a first-come, first-served basis. The Chairman will permit attendees to address the Commission, but may restrict the length of presentations. An agenda will be available from the Superintendent, Dayton Aviation, one week prior to the meeting.

**FOR FURTHER INFORMATION CONTACT:** William Gibson, Superintendent, Dayton Aviation, National Park Service, P.O. Box 9280, Wright Brothers Station, Dayton, Ohio 45409, or telephone 513–225–7705.

**SUPPLEMENTARY INFORMATION:** The Dayton Aviation Heritage Commission was established by Public Law 102–419, October 16, 1992.

Dated: January 9, 1996.

William W. Schenk,

*Field Director, Midwest Field Area.*

[FR Doc. 96–889 Filed 1–22–96; 8:45 am]

**BILLING CODE 4310–70–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–740 (Preliminary)]**

## Sodium Azide From Japan

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution and scheduling of a preliminary antidumping investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–740 (Preliminary) under section 733(a) of the Tariff Act of 1930, as amended by section 212(b) of the Uruguay Round Agreements Act (URAA), Public Law 103–465, 108 Stat. 4809 (1994) (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of sodium azide, provided for in subheading 2850.00.50.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by March 1, 1996. The Commission's views are due at the Department of Commerce within 5 business days thereafter, or by March 8.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**EFFECTIVE DATE:** January 16, 1996.

**FOR FURTHER INFORMATION CONTACT:** Fred Ruggles (202–205–3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by assessing its internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

**SUPPLEMENTARY INFORMATION:**

*Background.*—This investigation is being instituted in response to a petition filed on January 16, 1996, by American Azide Corporation, Las Vegas, Nevada.

*Participation in the investigation and public service list.*—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the Federal Register. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

*Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.*—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

*Conference.*—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on February 6, 1996, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Ruggles (202–205–3187) not later than February 2, 1996, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

*Written submissions.*—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before February 9, 1996, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must

be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII, as amended by the URAA. This notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 17, 1996.

Donna R. Koehnke,

*Secretary.*

[FR Doc. 96–765 Filed 1–22–96; 8:45 am]

BILLING CODE 7020–02–P

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Hearings of the Judicial Conference Advisory Committees on Rules of Appellate and Bankruptcy Procedure

**AGENCY:** Judicial Conference of the United States Advisory Committees on Rules of Appellate and Bankruptcy Procedure.

**ACTION:** Notice of cancellation of open hearings.

**SUMMARY:** The public hearing on the preliminary draft of proposed amendments to the Federal Rules of Appellate Procedure, scheduled to be held in Denver, Colorado, on January 22, 1996, has been cancelled. The public hearing on the preliminary draft of proposed amendments to the Federal Rules of Bankruptcy Procedure, scheduled to be held in Washington, D.C., on February 9, 1996, has been cancelled. [Original notice of both hearings appeared in the Federal Register of October 5, 1995 (60 FR 52207).].

**FOR FURTHER INFORMATION CONTACT:** John K. Rabiej, Chief, Rules Committee Support Office, Administration Office of the United States Courts, Washington, D.C., telephone (20) 273–1820.

Dated: January 17, 1996.

John K. Rabiej,

*Chief, Rules Committee Support Office.*

[FR Doc. 96–808 Filed 1–22–96; 8:45 am]

BILLING CODE 2210–01–M

## DEPARTMENT OF JUSTICE

### Information Collection Under Review

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, 1001 G Street, NW., Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. *Reinstatement, without change, of a previously approved collection for which approval has expired.*

(2) The title of the form/collection. The Parole Data Survey and the Probation Data Survey.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form CJ7—The Parole Data Survey, CJ8—The Probation Data Survey. Bureau of Justice Statistics, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: Federal Government. These data provide the Bureau of Justice Statistics with aggregate information about offenders under the supervision of parole and probation agencies across the country. Data is collected from 93 central respondents and 234 local respondents. Since over 70% of 5.1 million offenders under correctional supervision are under parole or probation supervision it is essential for any criminal justice reporting system to include this segment.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 327 responses per year at 1.50 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 491 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: January 17, 1996.

Robert B. Briggs,

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. 96–796 Filed 1–22–96; 8:45 am]

BILLING CODE 4410–18–M

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–244]**

### Rochester Gas and Electric Corporation, R. E. Ginna Nuclear Power 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–18, issued to Rochester Gas and Electric Corporation (the licensee) for operation of the Ginna Nuclear Power Plant (Ginna), located at the licensee's site in Wayne County, New York.

Environmental Assessment

*Identification of Proposed Action*

The proposed action addresses potential environmental issues related to the licensee's application dated May 26, 1995, as supplemented by letters

dated July 17, 1995, August 14, 1995, August 31, 1995, September 18, 1995, October 6, 1995, October 18, 1995, November 1, 1995, November 16, 1995, two letters of November 20, 1995, November 21, 1995, November 22, 1995, two letters of November 27, 1995, November 30, 1995, December 8, 1995, and December 28, 1995. The proposed action will replace the existing Ginna Technical Specifications (TSs) in their entirety with a new set of TSs based on Revision 1 to NUREG–1431, ''Standard Technical Specifications Westinghouse Plants,'' and the existing Ginna TSs.

*The Need for the Proposed Action*

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of TS. The ''NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors,'' (52 FR 3788, February 6, 1987) and later the Final Policy Statement (58 FR 39132, July 22, 1993), addressed this need. Subsequently, the Commission's regulations in 10 CFR 50.36 were revised in accordance with the goals stated in the policy statements (60 FR 36953, July 19, 1995). To facilitate the development of individual improved TSs, each reactor vendor owners group (OG) and the NRC staff developed standard TS (STS). For Westinghouse plants, the STS are published as NUREG–1431, and this document was the basis for the new Ginna TS. The NRC Committee to Review Generic Requirements (CRGR) reviewed the STS and made note of the safety merits of the STS and indicated its support of conversion to the STS by operating plants.

*Description of the Proposed Change*

The proposed revision to the TS is based on NUREG–1431 and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the existing TS. Emphasis is placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1431, portions of the existing TS were also used as the basis for the ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee, and generic matters with the OG.

The proposed changes from the existing TS can be grouped into four general categories, as follows:

1. Non-technical (administrative) changes, which were intended to make the ITS easier to use for plant operations personnel. They are purely editorial in nature or involve the movement or reformatting of requirements without affecting technical content. Every section of the Ginna TS has undergone these types of changes. In order to ensure consistency, the NRC staff and the licensee have used NUREG–1431 as guidance to reformat the TS and make other administrative changes.

2. Relocation of requirements, which includes items that were in the existing Ginna TS but did not meet the criteria set forth in the Final Policy Statement for inclusion in the TS. In general, the proposed relocation of items in the Ginna TS to the Updated Final Safety Analysis Report (UFSAR), appropriate plant-specific programs, procedures and ITS Bases follows the guidance of the Westinghouse STS (NUREG–1431). Once these items have been relocated by removing them from the TS to licensee-controlled documents, the licensee may revise them under the provisions of 10 CFR 50.59 or other NRC staff-approved control mechanisms which provide appropriate regulatory and procedural means to control changes.

3. More restrictive requirements, which consist of proposed Ginna ITS items that are either more conservative than corresponding requirements in the existing Ginna TS, or are additional restrictions which are not in the existing Ginna TS but are contained in NUREG–1431. Examples of more restrictive requirements include: placing a Limiting Condition for Operation (LCO) on plant equipment that is not required by the present TS to be operable; more restrictive requirements to restore inoperable equipment; and more restrictive surveillance requirements.

4. Less restrictive requirements, which are relaxations of corresponding requirements in the existing Ginna TS which provided little or no safety benefit and placed unnecessary burdens on the licensee. These relaxations were the result of generic NRC action or other analyses. They have been justified on a case-by-case basis for Ginna as described in the staff's Safety Evaluation (SE) which will be issued with the license amendment.

In addition to the changes described above, the licensee proposed certain changes to the existing TSs that deviated from the STSs in NUREG–1431 and constitute a relaxation of the existing TS. Each of these additional proposed changes is described in the licensee's application and in the staff's Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing (60 FR 49636) and Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration, Determination, and Opportunity for a Hearing (60 FR 60371). These changes have been justified on a case-by-case basis for Ginna as described in the staff's SE which will be issued with the license amendment.

*Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the proposed TS conversion would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

Changes that are administrative in nature have been found to have no effect on technical content of the TS, and are acceptable. The increased clarity and understanding these changes bring to the TS are expected to improve the operator's control of the plant in normal and accident conditions.

Relocation of requirements to other licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC-approved control mechanisms, which ensures continued maintenance of adequate requirements. All such relocations have been found to be in conformance with 10 CFR 50.36, the guidelines of NUREG–1431 and the Final Policy Statement, and, therefore, to be acceptable.

Changes involving more restrictive requirements have been found to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burdens on the licensee, their removal from the TS was found to be justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic NRC action, or of agreements reached during discussions with the OG and found to be acceptable for Ginna. Generic relaxations contained in NUREG–1431 as well as proposed deviations from NUREG–1431 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revision to the TS was found to provide control of plant operations such that reasonable assurance will be provided that the

health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent 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 the proposed TS amendment. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

*Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendment, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources*

This action did not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of the Ginna Nuclear Power Plant.

*Agencies and Persons Consulted*

In accordance with its stated policy, on December 20, 1995, the staff consulted with the New York State official, Mr. F. William Valentino, State Liaison Officer of the New York State Energy Research and Development Authority, 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 action, see the licensee's letters dated May 26, 1995, and supplemental letters dated July 17, 1995, August 14, 1995, August 31, 1995, September 18, 1995, October 6, 1995, October 18, 1995, November 1, 1995, November 16, 1995, two letters of November 20, 1995, November 21, 1995, November 22, 1995, two letters of November 27, 1995, November 30, 1995, December 8, 1995, and December 28, 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 Rochester Public Library, 115 South Avenue, Rochester, NY 14610.

Dated at Rockville, Maryland, this 16th day of January 1996.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

*Director, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 96–809 Filed 1–22–96; 8:45 am]

BILLING CODE 7590–01–P

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**[Docket No. 50–155]**

## Consumers Power Company (Big Rock Point Plant); Exemption

I

Consumers Power Company (CPCo, the licensee) is the holder of Facility Operating License No. DPR–6 which authorizes operation of the Big Rock Point Plant (the facility). The facility consists of a boiling water reactor located at the licensee's site in Charlevoix County, Michigan. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Pursuant to 10 CFR 50.12(a), the NRC may grant exemptions from the requirements of the regulations (1) which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) where special circumstances are present.

Section III.D.1.(a) of Appendix J [Option A] to 10 CFR Part 50 requires the performance of three Type A containment integrated leak rate tests (ILRTs) at approximately equal intervals during each of the 10-year service periods of the primary containment.

III

By letter dated November 8, 1995, the licensee requested a one-time schedular exemption from the ''approximately equal time intervals'' requirement of 10 CFR Part 50, Appendix J, Section III.D.1.(a). Specifically, the proposed exemption would allow CPCo to delay the Type A test until the January 1997 refueling outage. The interval between the Type A tests would increase from 47 months to 59 months.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. In 10 CFR Part 50 Appendix J, it states that the purpose of the Type A, B, and C tests is to assure that leakage through the primary containment shall not exceed the allowable leakage rate values as specified in the technical specifications or associated bases. CPCo stated that the existing Type B and Type C tests, which are unaffected by this proposed change, will continue to detect leakage through containment valves, penetrations, and airlocks.

The licensee has analyzed the results of previous Type A tests performed at the Big Rock Point Plant to show adequate containment performance. The licensee will continue to conduct Type B and Type C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C tests results. It is also noted that the licensee would perform a general inspection of accessible interior or exterior surfaces of the containment structures and components although it is only required by Appendix J to be conducted in conjunction with Type A tests.

The testing history and structural capability of the containment establish that there is significant assurance that the extended interval between Type A tests will not adversely impact the leak-tight integrity of the containment and that performance of the Type A test is not necessary to meet the underlying purpose of Appendix J.

The alternative actions proposed by the licensee in the exemption request provide reasonable assurance that leakage will not exceed acceptable levels. Therefore, granting this exemption does not present an undue risk to public health and safety.

The underlying purpose of the requirement to perform Type A containment test leak rate tests at intervals during the 10-year service period is to ensure that any potential

leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing.

The licensee notes that the results of the Type A testing have been confirmatory of the Type B and Type C tests which will continue to be performed. The licensee has stated that it will perform the general inspection of accessible interior or exterior surfaces of the containment structures and components although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The NRC staff has also made use of the information in a draft staff report, NUREG–1493, ''Performance-based Containment Leak-Test Program,'' which provides the technical justification for Option B of Appendix J which includes a 10-year test interval for Type A tests. The Type A test measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by local leak rate tests (Type B and Type C). According to results given in NUREG–1493, out of 180 ILRT reports covering 110 individual reactors and approximately 770 years of operating history, only 5 ILRT failures were found which local leakage rate testing could not detect. This is 3 percent of all failures. This study agrees well with previous NRC staff studies which show that Type B and Type C testing can detect a very large percentage of containment leaks. The Big Rock Point Plant experience has also been consistent with these results.

The Nuclear Management and Resources Council (NUMARC), now the Nuclear Energy Institute (NEI), collected and provided the NRC staff with summaries of data to assist in the preparation of Option B to Appendix J. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded 1 $L_a$. Of these, only nine were not Type B or Type C leakage penalties. The NEI data also added another perspective. The NEI data show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than 2 $L_a$; in one case the leakage was found to be approximately 2 $L_a$; in one case the leakage was less than 3 $L_a$; one case approached 10 $L_a$; and in one case the as-found leakage was found to be approximately 21 $L_a$. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to $L_a$ (approximate 200 $L_a$, as discussed in NUREG–1493). Therefore, based on these considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at the Big Rock Point Plant would result in significant degradation of the overall containment integrity. As a result, the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule. Therefore, special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii).

Thus, the staff concludes that an exemption from the requirements of paragraph III.D.1(a) of Appendix J to 10 CFR Part 50 should be granted. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

IV

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that this exemption is authorized by law, and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Section III.D.1.(a) to the extent that the Appendix J test interval for performing Type A tests may be extended one cycle until the January 1997 refueling outage, on a one-time basis only, for the Big Rock Point Plant, provided that the general containment inspection is performed and as described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will not have a significant effect on the quality of the human environment (61 FR 422).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of January 1996.

For the Nuclear Regulatory Commission.

Jack W. Roe,

*Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 96–810 Filed 1–22–96; 8:45 am]

BILLING CODE 7590–01–P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Section 304 Determinations; Policies and Practices of the Government of Colombia Concerning the Exportation of Bananas to the European Union

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of determinations.

**SUMMARY:** The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act of 1974, as amended (''the Trade Act'') that certain acts, policies and practices of the Government of Colombia affecting U.S. companies that export bananas from Colombia to the European Union (EU) are actionable under section 301(b)(1). The USTR has further determined pursuant to section 304(a)(1)(B) of the Trade Act that, in light of substantial actions by the Government of Colombia to modify certain of its practices and its commitments to take certain future actions, the appropriate action is to direct USTR officials to implement a process aimed at addressing the remaining burden or restriction on U.S. commerce while monitoring under section 306, Colombia's commitments made on January 9. Finally, the USTR has terminated the investigation initiated pursuant to Section 302 of the Trade Act.

**DATES:** The investigation was terminated effective January 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ralph Ives, Deputy Assistant Trade Representative for the Western Hemisphere, (202) 395–5190, or Rachel Shub, Assistant General Counsel, (202) 395–7305.

**SUPPLEMENTARY INFORMATION:** On January 9, 1995, the USTR initiated an investigation under section 302(b)(1)(A) of the Trade Act to determine whether, as a result of Colombia's implementation of the Banana Framework Agreement (BFA) with the EU, certain acts, policies and practices of Colombia regarding the exportation of bananas to the EU are unreasonable or discriminatory and burden or restrict U.S. commerce, as set forth in section 301(b)(1). By Federal Register notice dated January 13, 1995 (60 FR 3283), the

USTR requested written comments on the acts, policies and practices of the Government of Colombia covered by the investigation, the amount of any resulting burden or restriction on U.S. commerce, and the determination required under section 304 of the Trade Act. On September 26, 1995, USTR initiated an investigation of the European Union's banana import regime pursuant to section 302(b) of the Trade Act (100 FR 52026; October 4, 1995).

Section 304(a)(1)(A) of the Trade Act requires the USTR to determine whether any act, policy or practice of the Government of Colombia described in section 301(b)(1) exists. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to any such act, policy or practice.

Reasons for Determinations

*(1) Colombia's Acts, Policies and Practices*

On the basis of the investigation undertaken pursuant to section 302 of the Trade Act, public comments received and consultations with the Government of Colombia and affected U.S. firms, the USTR has determined that certain acts, policies and practices of the Government of Colombia affecting U.S. companies that export bananas from Colombia to the European Union are actionable under section 301(b)(1). The Colombian decree implementing the BFA replicates discriminatory elements of the EU banana regime in requiring U.S. and other non-EU firms exporting bananas from Colombia to present and export certificate in order to import such bananas into the EU market, while exempting primarily EU firms from this requirement. Furthermore, Colombia's participation in the BFA has hindered efforts of the United States and several Latin American nations to persuade the EU to revise its banana import regime.

*(2) U.S. Action*

Following bilateral consultations with U.S. officials, Colombia made substantial modifications in its banana export regime aimed at providing fair and equitable treatment to firms engaged in trade in bananas. In addition, on January 9, 1996, the United States and Colombia agreed to cooperate to address problems and trade distortions created by the EU banana regime. However, because Colombia has not fully addressed all the acts, policies and practices found actionable pursuant to section 301(b)(1), the USTR has determined that the appropriate action at this time is to direct USTR officials to implement a process aimed at addressing the remaining burden or restriction on U.S. commerce while monitoring, under section 306, Colombia's commitments made on January 9. Depending on these efforts, the USTR may seek recommendations with respect to any alternatives pursuant to section 301(b)(2).

Irving A. Williamson,

*Chairman, Section 301 Committee.*

[FR Doc. 96–856 Filed 1–22–96; 8:45 am]

BILLING CODE 3190–01–M

## Section 304 Determinations; Policies and Practices of the Government of Costa Rica Concerning the Exportation of Bananas to the European Union

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of determinations.

**SUMMARY:** The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act of 1974, as amended (''the Trade Act'') that certain acts, policies and practices of the Government of Costa Rica affecting U.S. companies that export bananas from Costa Rica to the European Union (EU) are actionable under section 301(b)(1). The USTR has further determined pursuant to section 304(a)(1)(B) of the Trade Act that, in light of substantial actions by the Government of Costa Rica to modify certain of its practices and its commitments to take certain future actions, the appropriate action is to direct USTR officials to implement a process aimed at addressing the remaining burden or restriction on U.S. commerce while monitoring, under section 306, Costa Rica's commitments made on January 6. Finally, the USTR has terminated the investigation initiated pursuant to Section 302 of the Trade Act.

**DATES:** The investigation was terminated effective January 10, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ralph Ives, Deputy Assistant Trade Representative for the Western Hemisphere, (202) 395–5190, or Rachel Shub, Assistant General Counsel, (202) 395–7305.

**SUPPLEMENTARY INFORMATION:** On January 9, 1995, the USTR initiated an investigation under section 302(b)(1)(A) of the Trade Act to determine whether, as a result of Costa Rica's implementation of the Banana Framework Agreement (BFA) with the EU, certain acts, policies and practices of Costa Rica regarding the exportation of bananas to the EU are unreasonable or discriminatory and burden or restrict U.S. commerce, as set forth in section 301(b)(1). By Federal Register notice dated January 13, 1995 (60 FR 3284), the USTR requested written comments on the acts, policies and practices of the Government of Costa Rica covered by the investigation, the amount of any resulting burden or restriction on U.S. commerce, and the determinations required under section 304 of the Trade Act. On September 26, 1995, USTR initiated an investigation of the European Union's banana import regime pursuant to section 302(b) of the Trade Act (100 FR 52026; October 4, 1995).

Section 403(a)(1)(A) of the Trade Act requires the USTR to determine whether any act, policy or practice of the Government of Costa Rica described in section 301(b)(1) exists. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to any such act, policy or practice.

Reasons for Determinations

*(1) Costa Rica's Acts, Policies and Practices*

On the basis of the investigation undertaken pursuant to section 302 of the Trade Act, public comments received and consultations with the Government of Costa Rica and affected U.S. firms, the USTR has determined that certain acts, policies and practices of the Government of Costa Rica affecting U.S. companies that export bananas from Costa Rica to the European Union are actionable under section 301(b)(1). The Costa Rican decree implementing the BFA replicates discriminatory elements of the EU banana regime in requiring U.S. and other non-EU firms exporting bananas from Costa Rica to present an export certificate in order to import such bananas into the EU market, while exempting primarily EU firms from this requirement. Furthermore, Costa Rica's participation in the BFA has hindered efforts of the United States and several Latin American nations to persuade the EU to revise its banana import regime.

*(2) U.S. Action*

Following bilateral consultations with U.S. officials, Costa Rica made substantial modifications in its banana export regime aimed at providing fair and equitable treatment to firms engaged in trade in bananas. In addition, on January 6, 1996, the United States and Costa Rica agreed to cooperate to address problems and trade distortions created by the EU banana

regime. However, because Costa Rica has not fully addressed all the acts, policies and practices found actionable pursuant to section 301(b)(1), the USTR has determined that the appropriate action at this time is to direct USTR officials to implement a process aimed at addressing the remaining burden or restriction on U.S. commerce while monitoring, under section 306, Costa Rica's commitments made on January 6. Depending on these efforts, the USTR may seek recommendations with respect to any alternatives pursuant to section 301(b)(2).

Irving A. Williamson,

*Chairman, Section 301 Committee.*

[FR Doc. 96–857 Filed 1–22–96; 8:45 am]

BILLING CODE 3190–01–M

## Notice of Meeting of the Advisory Committee on Trade Policy and Negotiations

**AGENCY:** Office of the United States Trade Representatives.

**ACTION:** Notice that the February 13, 1996, meeting of the Advisory Committee on Trade Policy and Negotiation will be held from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. The meeting will be open to the public from 1:30 p.m. to 2:00 p.m.

**SUMMARY:** The Advisory Committee on Trade Policy and Negotiation will hold a meeting on February 13, 1996 from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code, I have determined that this portion of the meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. The meeting will be open to the public and press from 1:30 p.m. to 2:00 p.m. when trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

**DATES:** The meeting is scheduled for February 13, 1996, unless otherwise notified.

**ADDRESSES:** The meeting will be held at the Sheraton Carlton Hotel, located at 923 16th Street, Washington, D.C., unless otherwise notified.

**FOR FURTHER INFORMATION CONTACT:** Michaelle Burstin, Director of Public Liaison, Office of the United States Trade Representative, (202) 395–6120.

Michael Kantor,

*United States Trade Representative.*

[FR Doc. 96–859 Filed 1–22–96; 8:45 am]

BILLING CODE 3190–01–M

## SECURITIES AND EXCHANGE COMMISSION

### Request for Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, D.C. 20549.

Revision

Regulation S–X
SEC File No. 270–3
OMB Control No. 3235–0009
Regulation S–K
SEC File No. 270–2
OMB Control No. 3235–0071

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (Commission or SEC) is publishing for public comment proposed amendments to Rule 4–08 of Regulation S–X (17 C.F.R. 210.4–08) and proposed Item 305 of Regulation S–K (17 C.F.R. 229.305) to clarify certain disclosure requirements related to derivative and other financial and commodity instruments, to include additional instruments within existing disclosure requirements, and to provide alternative quantitative disclosures regarding the market risk inherent in those instruments. *See* Release Nos. 33–7250; 34–36643; IC–21625 (December 28, 1995).

Amendments to Rule 4–08 of Regulation S–X would clarify the current requirements under generally accepted accounting principles (''GAAP'') for registrants' disclosures of accounting policies related to derivative and other financial and commodity instruments, and include additional instruments within the existing accounting policy disclosures. This is considered necessary due to the general and uninformative disclosures currently being received by the Commission about such policies. Likely respondents are those registrants filing financial statements under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940. Reporting should occur annually, with material modifications to the annual information disclosed in quarterly reports. It is estimated that the proposed amendments, if adopted, may result in an aggregate additional reporting burden of 11,000 hours.

Proposed Item 305 of Regulation S–K would require, to the extent material, quantitative and qualitative disclosures about market risks associated with derivative and other financial and commodity instruments. These disclosures are considered necessary to provide transparency into registrants' use of derivative and other financial and commodity instruments and the market risks inherent in those instruments, in order to reduce the number of instances where losses from such transactions ''surprise'' the securities markets. Likely respondents are those registrants filing documents under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Public Utility Holding Company Act of 1935, for whom the proposed disclosures would be material to an understanding of their businesses taken as a whole. Reporting should occur annually, with material modifications to the annual information disclosed in quarterly reports. It is estimated that the proposed amendments, if adopted, may result in an aggregate additional reporting burden of 200,000 hours.

The estimated burden hours would remain unchanged for compliance with regulation S–X [OMB Number 3235–0009] and Regulation S–K [OMB Number 3235–0071]. Instead, the estimated burden hours for Commission forms that require the filing of financial statements prepared in accordance with regulation S–X and the information required by the standard disclosure items in Regulation S–K, would be amended to note any increase in such burdens. These forms would include Form 10–K [OMB Number 3235–0063] and Form S–1 [OMB Number 3235–0065].

Written 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 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 in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

Dated: January 5, 1996.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–837 Filed 1–23–96; 8:45 am]

**BILLING CODE 8010–01–M**

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**[Release No. 34–36710; File Nos. SR–Amex–94–56, SR–CBOE–95–14, and SR–PSE–95–01]**

## Self-Regulatory Organizations; American Stock Exchange, Inc.; Chicago Board Options Exchange, Inc.; and Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Changes and Notice of Filing and Order Granting Accelerated Approval of Amendments Thereto Relating to Buy-Write Option Unitary Derivatives (''BOUNDs'')

January 11, 1996.

Pursuant to Section 19(b) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] the American Stock Exchange, Inc. (''Amex''), Pacific Stock Exchange, Inc. (''PSE''), and Chicago Board Options Exchange, Inc. (''CBOE'') (collectively, the ''Exchanges'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), proposed rule changes (''proposals'') to permit trading in Buy-Write Options Unitary Derivatives (''BOUNDs'').[3]

Notice of the proposed rule changes and Amex Amendment No. 1 were published for comment and appeared in the Federal Register.[4] Two comment letters were received in response to the Amex proposal,[5] and one letter was submitted in response to the CBOE and PSE proposals.[6] The Amex responded to both comment letters.[7]

The Amex subsequently submitted Amendments No. 2 and 3 to the proposal on December 19, 1996 (''Amex Amendment No. 2'') and January 11, 1995 (''Amex Amendment No. 3'').[8] The CBOE subsequently submitted Amendment No. 1 (''CBOE Amendment No. 1'') to the proposal on January 4, 1996.[9] The PSE subsequently submitted Amendments No. 1, 2, and 3 to the proposal on June 27, 1995 (''PSE Amendment No. 1''), January 2, 1996 (''PSE Amendment No. 2''), and January 4, 1996, respectively (''PSE Amendment No. 3'') (collectively, with all of the Exchanges' amendments, the ''Amendments'').[10]

Amex and PSE Amendments No. 2 and CBOE Amendment No. 1 primarily relate to the elimination of certain spread margin treatment provisions and the conforming of the Exchanges' rules to those of the Options Clearing Corporation (''OCC'') in order to avoid potential conflict. In addition, Amex Amendment No. 2 and CBOE Amendment No. 1 also clarify that their respective ''ten-up rules'' (Amex Rule 958A and CBOE Rule 8.51) will not be applicable to the trading of BOUNDs. Amex and PSE Amendments No. 3 and CBOE Amendment No. 1 eliminate the use of escrow receipts and letters of guarantee as adequate margin cover for short BOUNDs positions. Finally, PSE Amendment No. 1 establishes that BOUNDs are designated as Tier I securities for purposes of PSE Rule 3.

This order approves the proposals, as amended.

### I. Description of the Proposal

The Exchanges, for some time, have sought a replacement for the expired Americus Trust PRIMEs and SCOREs (''PRIMEs and SCOREs'').[11] During this process, the Exchanges began to list and trade a standardized option product called LEAPs. Like SCOREs, LEAPs enable investors to receive the benefits of a stock's price appreciation above a fixed dollar amount over a long period of time. Currently, however, there is no generally available replacement for the PRIMEs component.

The Exchanges, accordingly, propose to list BOUNDs as a replacement for PRIMEs. BOUNDs will offer essentially the same economic characteristics as covered calls with the added benefits that BOUNDs can be traded in a single transaction and are not subject to early exercise. BOUND holders will profit from appreciation in the underlying stock's price up to the strike price until expiration and will receive payments equivalent to any cash dividends declared on the underlying stock. As with PRIMEs, the strike price will serve as a ''cap'' to effectively limit the amount of upside appreciation an investor may receive.

OCC will be the issuer of all BOUNDs traded on the Exchanges, which are proposed to be treated as standardized options pursuant to Rule 9b–1 of the Act (''Rule 9b–1'').[12] As with all OCC issued options, BOUNDs will be created when an opening buy or an opening sell order are executed and the execution of such orders will increase the open interest in BOUNDs. On the dividend payable date for the underlying stock, OCC will debit all accounts with short positions in BOUNDs and credit all accounts with long positions in BOUNDs with an amount equal to the cash dividend on the underlying stock.[13] Except as described herein, BOUNDs will be subject to the rules governing standardized options.

The Exchanges anticipate listing BOUNDs on those underlying securities that have listed LEAPs. The criteria for stocks underlying BOUNDs will be same

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[1] 15 U.S.C. § 78s(b)(1) (1988 & Supp. V 1993).

[2] 17 CFR 240.19b–4 (1994).

[3] The Amex, CBOE, and PSE rule filings were submitted on December 12, 1994, February 1, 1995, and February 6, 1995, respectively. On December 23, 1994, the Amex submitted Amendment No. 1 (''Amex Amendment No. 1'') to its filing to provide that BOUNDs will be listed with a maximum expiration date corresponding to the longest prescribed long-term equity options (''LEAPs'') then available for trading, which is currently 39 months. *See* Letter from William Floyd-Jones, Jr., Assistant General Counsel, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated Dec. 23, 1994. The Amex originally proposed listing BOUNDs with 60 month expirations and extending the maximum duration of LEAPs from 39 months to 60 months.

[4] *See* Securities Exchange Act Release Nos. 35327 (Feb. 3, 1995), 60 FR 7805 (Feb. 9, 1995) (Amex); 35430 (March 2, 1995), 60 FR 12991 (March 9, 1995) (CBOE); and 35436 (March 2, 1995), 60 FR 12998 (March 9, 1995) (PSE).

[5] *See* Letters to Jonathan G. Katz, Secretary, SEC, from James E. Buck, Senior Vice President and Secretary, NYSE, dated February 27, 1995; and Carl F. Koenemann, Executive Vice President and Chief Financial Officer, Motorola, Inc., dated March 1, 1995.

[6] *See* Letter from James E. Buck, Senior Vice President and Secretary, NYSE, dated March 15, 1995 to Jonathan G. Katz, Secretary, SEC. This letter incorporates the same comments raised by the NYSE in response to the Amex proposal.

[7] *See* Letter from William Floyd-Jones, Jr., Assistant General Counsel, Amex, to Stephen Youhn, Esq., Derivative Products Regulation, SEC, dated March 21, 1995.

[8] *See* Letters from William Floyd-Jones, Jr., Assistant General Counsel, Amex, to Michael Walinskas, Derivative Products Regulation, SEC dated December 15, 1995 and to Stephen Youhn, SEC, dated January 11, 1996, respectively.

[9] *See* Letter from Janet Angstadt, Schiff Hardin & Waite, to Michael Walinskas, SEC, dated January 4, 1996.

[10] *See* Letters from Michael Pierson, Senior Attorney, PSE, to Stephen M. Youhn, SEC, dated June 20, 1995, December 29, 1995, and January 3, 1996, respectively.

[11] PRIMEs and SCOREs were unit investment trusts that allowed investors to separate their common stock securities holdings into distinct trading components representing discrete interests in the income and capital appreciation potential of the securities deposited in the trust. *See* Securities Exchange Act Release No. 21863 (March 18, 1985), 50 FR 11972 (March 26, 1985) (''PRIMEs Adopting Release'').

[12] 17 CFR 240.9b–1 (1994).

[13] *See* Amex and PSE Amendments No. 2 and CBOE Amendment No. 1.

as the criteria for stocks underlying LEAPs.[14]

The Exchanges also anticipate that the sum of the market prices of a LEAP and a BOUND on the same underlying stock with the same expiration and exercise price will closely approximate the market price for the underlying stock. The Exchanges further believe that certain BOUNDs-related arbitrage strategies will help to ensure this price relationship with the underlying security. Nevertheless, the Exchanges will conduct surveillance of BOUNDs in the same manner it surveils listed equity options.[15]

BOUNDs will have the same expiration dates as their respective LEAPs, however, the Exchanges will list only strike prices that are the same or very close to the price of the underlying stock at the time of listing, or that are below the price of the stock at that time. For example, at the time of initial listing, the strike prices for a BOUND with the underlying stock trading at $50 per share, would be set at $40 and $50. An Exchange would not list a BOUND with a strike price of $60 in this example.

The Exchanges anticipate listing new complementary LEAPs and BOUNDs on the same underlying securities annually, or at more frequent intervals, depending on market demand. The Exchanges have the current authority to list LEAPs with up to 39 months until expiration and, therefore, seek to introduce BOUNDs with up to the same 39 month duration.[16]

Like regular options, BOUNDs will trade in standardized contract units of 100 shares of underlying stock per BOUND so that at expiration, BOUND holders will receive 100 shares of the underlying stock for each BOUND contract held if, on the last day of trading, the underlying stock closes at or below the strike price. However, if at expiration the underlying stock closes above the strike price, the BOUNDs contract holder will receive a cash payment equal to 100 times the BOUND's strike price for each BOUND contract held. BOUND writers, depending on the price of the underlying stock at expiration, will be required to deliver either 100 shares of the underlying stock for each BOUND contract (if the price of the underlying stock is at or less than the strike price) or the strike price multiplied by 100 at expiration (if the price of the underlying exceeds the strike price). This settlement design, from the perspective of the long BOUNDs holder, is economically similar to the situation where an investor purchases a covered call (*i.e.*, long stock, short call) and holds that position to the expiration of the call option.

For example, if the XYZ BOUND has a strike price of $50 and XYZ stock closes at $50 or less at expiration, the holder of the XYZ BOUND contract will receive 100 shares of XYZ stock. This is the same result as if the call option in a covered call position had expired out of the money; *i.e.*, the option would expire worthless and the writer would retain the underlying stock. If XYZ closes above $50 per share, then the holder of an XYZ BOUND will receive $5,000 in cash (100 times the $50 strike price). This mimics the economic result to the covered call writer when the call expires in the money.

The settlement mechanism for the BOUNDs will operate in conjunction with that of LEAP calls. For example, if at expiration the underlying stock closes at or below the LEAP strike price, the LEAP call will expire worthless, and the holder of a corresponding BOUND contract will receive 100 shares of stock from the short BOUND. If, on the other hand, the LEAP call is in the money at expiration, the holder of the LEAP call is entitled to 100 shares of stock from a short LEAP upon payment of the proper exercise amount, and the holder of a BOUND contract is entitled to the cash equivalent of the strike price times 100 from the short BOUND. An investor long both a LEAP and a BOUND, where XYZ closes above the $50 strike price at expiration, would be entitled to receive $5,000 in cash from the short BOUND and, upon exercise of the LEAP, would be obligated to pay $5,000 to receive 100 shares of XYZ stock.

An investor long the underlying stock, and who writes both a LEAP and a BOUND, will be obligated to deliver the stock to the long LEAP call if the underlying stock closes above the strike price, in exchange for payment of the strike price times 100, which amount will then be delivered to the long BOUND. Accordingly, the Exchanges believe a covered BOUND/LEAP writer's position is effectively closed upon the delivery of the underlying stock. If a writer of both instruments has deposited cash or securities other than the underlying stock as margin for a short LEAP call and BOUND, then the BOUND/LEAP writer delivers 100 shares of stock (purchased on the open market) to the long LEAP call upon payment of the strike price times 100. The writer of the BOUND then delivers the cash value of 100 times the strike price to the holder of the long BOUND.

It should be noted that LEAPs are American-style options whereas BOUNDs are European-style.[17] The Exchanges believe that it would be inappropriate for the BOUND holder to have an American-style exercise right since the BOUND will tend to trade at a discount to the price of the underlying stock and BOUND strike price.

*Sales Practices*

BOUNDs will be subject to the Exchanges' sales practice and suitability rules applicable to standardized options. Accordingly, BOUNDs will only be sold to investors whose accounts have been approved for options trading.

*Adjustments*

BOUNDs will be subject to adjustments for corporate and other actions in accordance with the rules of OCC. Furthermore, the Options Price Reporting Authority represents that it has the necessary systems capacity to accommodate any new series that would result from the introduction of BOUNDs.[18]

*Position Limits*

BOUNDs will be subject to the position limits for equity options.[19] In addition, BOUNDs will be aggregated with other equity options on the same underlying stock for purposes of calculating position limits. Since a BOUND to the holder is a bullish position, the Exchanges propose that long BOUNDs be aggregated with long call and short put positions in the related class of equity options. Similarly, since the Exchanges believe the BOUND, from the perspective of the seller, is a ''bearish'' position (*i.e.*, it is the equivalent of a long put position where the strike price has been prepaid), they propose to aggregate short BOUNDs with short call and long put positions in the related class of equity options.

The Exchanges propose that positions in BOUNDs shall be reported in accordance with existing options rules, with the minimum position in an account to be reported being 200

[14] *See, e.g.,* Amex Rule 915.

[15] *See* Amex and PSE Amendments No. 2 and CBOE Amendment No. 1.

[16] The Amex originally proposed listing BOUNDs with 60 month expirations and extending the maximum duration of LEAPs from 39 months to 60 months. *See* Amex Amendment No. 1.

[17] A European-style option may only be exercised during a limited period of time before the option expires. An American-style option may be exercised at any time prior to its expiration.

[18] *See* Memorandums from Joe Corrigan, OPRA, to Michael Walinskas, SEC, dated December 26, 1995 (''Amex OPRA Letter''); Eileen Smith, CBOE, dated January 3, 1996 (''CBOE OPRA Letter''); and Kim Koppien, PSE, dated January 9, 1996 (''PSE OPRA Letter'').

[19] *See, e.g.,* Amex Rule 904.

BOUNDs on the same underlying security. Finally, due to the lack of trading experience with BOUNDs, Amex and CBOE will not apply their ''ten-up'' rules, Amex Rule 958A and CBOE Rule 8.51, to BOUNDs transactions.[20]

*Customer Margin*

The Exchanges propose to apply options margin treatment to BOUNDs as follows:

1. Long BOUND Positions: full payment required at the time of purchase.

2. Short BOUND Positions: the BOUND seller receives full payment for the BOUND at the time of the initial sale and receives no further payment when the contract is settled either by payment of the strike price or delivery of the underlying stock. Short BOUND positions, therefore, will be margined in an amount equal to the current market price of the BOUND plus an amount equal to an ''add-on'' used to margin short call options times the market value of the BOUND. Since the maximum obligation of the seller of a BOUND cannot exceed the strike price, however, the amount of margin will never exceed the strike value. For example:

A. Assume a stock of $50, an exercise price of $50, a margin add-on percent of 20% and the BOUND trading at $40. In this case, the short seller would have to pay $48 to margin the position, *i.e.*, $40 BOUND price plus 20% of $40.

B. Assume a stock price of $40, an exercise price of $50, a margin add-on percent of 20% and the BOUND trading at $35. In this case, the margin would be 42, *i.e.*, $35 BOUND price plus 20% of $35.

3. Covered Positions: Short BOUND positions offset by the equivalent number of shares of the underlying stock will not require any additional margin since the seller's obligation to the buyer will, in all cases, be covered by the position in the underlying stock. Further, since it is expected that the sum of the prices of a LEAP and a BOUND will be approximately equal to the price of the underlying stock, a long stock position is cover for both a short BOUND and a short LEAP position, provided the LEAP and BOUND have the same strike price and expiration date.[21]

4. Spread Positions

i. Same Expiration—Different Strike Prices: There will be no margin requirement for BOUND positions which are long the higher strike price and short the lower strike price since the long BOUND more than covers the obligation of the short side of the position. For positions short the higher strike price and long the lower strike, a customer will be required to post the difference between the strike prices.

ii. Different Expiration-Same Strike Price: No margin will be required for positions long the nearest expiration and short the longer expiration since the value of the long BOUND will cover the obligation on the short leg of the position.[22] Positions that are short the near expiration and long the distant expiration will require full margin on the short position and payment in full on the long position.[23]

iii. Different Expiration-Different Strike Prices: There will be no margin required for positions that are long the near expiration and short the distant expiration when the strike price on the near expiration is higher than the strike on the distant expiration. For positions which are long the near expiration and short the distant expiration where the strike price on the near expiration is lower than the strike on the distant contract, the margin will be the difference in the strike between the near term and distant strikes. For positions which are short the near expiration and long the distant expiration, full margin will be required on the short position and payment in full on the long position.[24]

II. Comments Received

The Commission received comment letters from the New York Stock Exchange (''NYSE Letter'') and Motorola, Inc. (''Motorola Letter'') in response to its publication and request for comments on the proposals.[25] The NYSE Letter expresses the belief that BOUNDs should be classified an equity product as opposed to a standardized option and that BOUNDs raised significant investor protection concerns.

The NYSE Letter suggests several reasons to categorize BOUNDs as equities and not as options. First, the NYSE argues that BOUNDs do not perform like an option since they do not confer upon the holder a right to buy or sell anything. Second, the NYSE notes that although an option may be either ''in'' or ''out of the money'' and may expire worthless, BOUNDs are always in the money and cannot expire worthless unless the underlying stock expires worthless. Third, they note that while options are used to transfer risk, BOUNDs do not transfer risk; instead, they believe a BOUND seller only transfers the essential elements of stock ownership, *i.e.*, dividend stream and appreciation up to the cap price to the buyer.

With respect to investor protection concerns, the NYSE Letter noted that Rule 10a–1 under the Act, the ''short-sale'' rule, would not apply to BOUNDs if they were classified as options and that this could lead to price manipulation of the underlying stock through unregulated short selling of the BOUND. Second, they argue that although position limits would impose an overall limit on the amount of BOUNDs that could be sold by a single trader, there would be no overall limits on the number of LEAPs and BOUNDs that could be sold into the market place, which could cause extreme market volatility. Finally, they argue that while stock specialists have specific affirmative and negative obligations to help ensure orderly markets in the stock, the Commission and the options markets traditionally have not applied such obligations in the options market due to the derivative nature of the instruments and that this creates the potential for market confusion and unequal regulation.

The Motorola letter expresses concern that LEAPs and BOUNDs may allow an investor with no economic interest in a company to maintain voting rights. Specifically, an investor could purchase the underlying stock and then sell both a LEAP and a BOUND. Motorola argues that this division of economic and voting interests is contrary to corporate governance and that significant matters, including corporate control, could be determined by groups of stockholders with absolutely no stake in the outcome. They further state that the ''division of economic and voting interests'' could create ''cheap votes'' which could then be sold to the highest bidder.

The Amex submitted a response letter to the Commission, addressing the NYSE's and Motorola's concerns.[26] Amex believes the NYSE and Motorola Letters share an unstated premise that BOUNDs are unique in allowing the creation of a synthetic position in stock. In this regard, Amex notes that investors currently utilize several existing strategies to establish synthetic positions, for example, through the use

[20] *See* Amex Amendment No. 2 and CBOE Amendment No. 1.

[21] *See* Amex and PSE Amendments No. 2.

[22] For positions that are long the nearest expiration, full margin will be required on the short position once the long position expires.

[23] *See* Amex and PSE Amendments No. 2 and CBOE Amendment No. 1.

[24] *See* Amex and PSE Amendments No. 2 and CBOE Amendment No. 1.

[25] *See supra* notes 5 and 6 and accompanying text.

[26] *See supra* note 7.

of options and equity linked notes [27] and over-the-counter strategies.

Amex asserts several arguments in response to the NYSE's investor protection/short sale concerns. First, Amex notes that the underlying stock will continue to be subject to the short sale rule and that this would restrain any downward pressure on the price of the underlying stock which might be caused by the BOUNDs. Second, they note that several options strategies (*i.e.*, selling an in the money call, buying a put and selling a call, or buying an in the money put) currently exist for synthetically selling a stock short and that none of these strategies is subject to the Rule 10a–1 tick test nor have such strategies been utilized to manipulate the underlying. Third, Amex believes that the proposed BOUNDs position limit rules will act to limit the number of BOUNDs that may be sold short. Fourth, Amex argues that BOUNDs, by virtue of their options pricing, are an inefficient method of generating selling pressure on the underlying. Fifth, Amex does not believe that the type of price manipulation that rule 10a–1 was intended to prevent can be effected through the derivatives market. Furthermore, Amex believes that ongoing surveillance would adequately address any manipulative activity affected in the derivatives market for the purpose of manipulating the underlying. Finally, Amex argues that the options markets are transparent due to the interposition of OCC, which records all options positions and establishes reporting requirements for options positions of more than 200 equity options contracts. Therefore, Amex believes it would be able to detect suspicious trading activity in BOUNDs promptly.

Amex also responded to Motorola's ''cheap vote'' concerns by stating that the practical effect of BOUNDs on corporate governance issues would be substantially limited by position limit rules and the requirement that BOUNDs be aggregated with other options positions on the same side of the market. Accordingly, Amex does not believe that BOUNDs will have an effect on proxy contests or tender offers. Furthermore, Amex points out that BOUNDs are inferior to over-the-counter derivatives as a means of affecting shareholder votes since over-the-counter options positions may be tailored by expiration date (*e.g.*, expire the day after a proxy contest) and price (*e.g.*, establishment of a zero-cost collar).

Finally, the Amex has received a letter from the Commodity Futures Trading Commission (''CFTC'') expressing the opinion that BOUNDs are not futures contracts on a single security.[28] In reaching this conclusion, the CFTC noted that given the restrictions on setting strike prices (as discussed above), BOUNDs predominantly exhibit the one-way indexing characteristic of stock options.

## III. Discussion

After careful consideration of the comments received and the applicable statutory provisions, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5). Specifically, the Commission finds that the Exchanges' proposals to list and trade BOUNDs strike a reasonable balance between the Commission's mandates under Section 6(b)(5) to remove impediments to and perfect the mechanism of a free and open market and a national market system, while protecting investors and the public interest. The Commission believes that BOUNDs will provide a new derivative instrument for investors to more closely approximate their desired investment objectives. For the reasons discussed below, the Commission has concluded that the proposals are consistent with the Act.[29]

As an initial matter, the Commission must determine whether it is appropriate for the Exchanges to regulate BOUNDs as standardized options. The Commission is authorized pursuant to Rule 9b–1(a)(4) under the Act to include within the definition of standardized options ''* * * such other securities as the Commission may, buy order, designated.'' [30] The proposed classification of BOUNDs as standardized options presents certain difficult and unique issues. As discussed above, BOUNDs are intended as a replacement product to the expired PRIMEs. PRIMEs (and SCOREs) were subject to separate unit trust listing standards specifically designed to accommodate their listing and were not treated as standardized options within the meaning of Rule 9b–1. Nevertheless, the Commission believes that BOUNDs, despite possessing some attributes of PRIMEs, can be designated as standardized options for purposes of Rule 9b–1 under the Act.

In this respect, the Commission notes that the value of a particular BOUNDs is derivative of the value of its underlying stock. Moreover, its terms are standardized in the same manner as option contracts, with an underlying security, standardized expiration dates and strike prices. Second, BOUNDs will be subject to options margin treatment. Third, because long BOUNDs positions have the same economic attributes present when a market participant implements a covered call writing strategy, they constitute an aggregation of a synthetic long stock position and short call option position in a single transaction. Accordingly, BOUNDs possess a significant options component. Fourth, while not necessarily determinative of whether a product is an option, BOUNDs, like all other options traded on national securities exchanges, will be issued and cleared by OCC, a registered clearing agency. Fifth, BOUNDs open interest will be created in a manner similar to options. Finally, like a long options position, a long BOUNDs position is created by the deposit of a fully paid for premium, which is the maximum loss on the position.

The Commission recognizes that, as the NYSE letter indicates, BOUNDs differ in several respects from traditional options. Nevertheless, for the reasons stated above, the Commission does not believe it is unreasonable to treat BOUNDs as standardized options.

[27] Equity linked notes are hybrid instruments whose value is linked to the performance of a highly capitalized, actively traded common stock. *See, e.g.*, Securities Exchange Act Release No. 32343 (May 20, 1993).

[28] *See* Letter from Andrea M. Corcoran and Pat G. Nicolette, Co-Chairpersons, Off-Exchange Task Force, CFTC, to Nathan Most, New Product Development, Amex, dated July 27, 1994. The CFTC letter is based upon the assumption that BOUNDs strike prices will be set at-the-money or out-of-the-money.

[29] Pursuant to Section 6(b)(5) of the Act, the Commission is required to find, among other things, that trading in BOUNDs will serve to protect investors and contribute to the maintenance of fair and orderly markets. In this regard, the Commission must predicate approval of any new derivative product upon a finding that the introduction of the derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. As discussed below, the Commission believes BOUNDs will serve an economic purpose by providing an alternative product that will allow a BOUND holder to forego some of the potential for upside appreciation in return for enhanced income.

[30] 17 CFR 240.9b–1(a)(4) (1988). In amending the definition of the term standardized option to include ''such other securities as the Commission may, by order, designate'' the Commission noted that it added the new language ''to authorize the Commission, by order, to allow the use of Rule 9b–1 for new investment vehicles that the Commission believes should be included within the new disclosure framework.'' *See also* Securities Exchange Act Release No. 19055 (Sept. 16, 1982), 47 FR 41950, 41954.

Indeed, options treatment may provide a more tailored trading and disclosure regime to the products.[31] Therefore, the Commission has determined the BOUNDs are a type of security that falls into the category of ''other security'' under Rule 9b–1(a)(4) which the Commission should treat as standardized options for purposes of Rule 9b–1 under the Act.

In treating BOUNDs as options, the Commission must ensure that the Exchanges' proposed regulatory requirements provide for adequate sales practice requirements, position and exercise limits, margin requirements and disclosure. These rules minimize the potential for manipulation and help to address any prudential concerns from a derivative product. In addition, these standards should address the special risks to customers arising from transactions in BOUNDs. For the reasons discussed below, the Commission believes the proposals will provide significant flexibility to list BOUNDs without compromising the effectiveness of the Exchanges' regulatory programs for standardized options.

First, the Exchanges' options sales practice and suitability rules apply to transactions in BOUNDs. The Commission believes it appropriate to apply the heightened requirements of options account opening and suitability rules to BOUNDs transactions because of the significant derivative characteristics of the product. Thus, no member or member organization of any of the Exchanges may accept an order from a customer to purchase, or recommend to any customer any BOUND transaction, unless the account has been approved for options trading and the member or member organization has reasonable grounds to believe that any recommended transaction is not unsuitable for such customer.

Second, the Exchanges propose that equity option position and exercise limit rules be applicable to transactions in BOUNDs and that BOUNDs be aggregated with other equity options on the same underlying stock for the purpose of calculating position limits. The Commission believes that since BOUNDs are standardized options which replicate a covered call writing strategy, it is appropriate to apply equity options position limits to BOUNDs transactions. The Commission believes it is appropriate to aggregate BOUNDs with equity options (including LEAPs) on the same side of the market on the same underlying stock (*i.e.,* long BOUNDs with long calls and short puts). This will ensure that the protection afforded by options position limits (*e.g.,* prevention of manipulation of the underlying security) will apply to BOUNDs.

As discussed above, the NYSE and Motorola Comment Letters raise short sale and ''cheap vote'' concerns, respectively. With respect to the ''cheap vote'' concerns, the Commission agrees with Amex's response and notes that there are several existing strategies whereby an investor can synthetically divest the economic attributes of common stock from actual ownership. As to NYSE's short sale concerns, in light of the fact that BOUNDs will be regulated as standardized options, it is appropriate to grant them the same treatment under Rule 10a–1 of the Act as existing options. Moreover, the Commission notes a BOUNDs' underlying stock will remain subject to Rule 10a–1 at all times. Furthermore, the Commission believes that the proposed position limit and aggregation rules (in addition to margin requirements) should adequately protect against BOUNDs short selling any potential concern over the division of economic and voting interests.

Third, the Exchanges propose that their options margin rules be applicable to transactions in BOUNDs. The initial sale of a BOUND, by definition, will require the seller to go short. In this regard, the Exchanges have submitted proposed rules establishing margin levels for the purchase and sale of BOUNDs, for covered positions (*e.g.,* long stock, short BOUND), and for spread positions involving BOUNDs (*e.g.,* long and short BOUND with same expiration date but different strike prices). The Commission believes that the options-like margin treatment for BOUNDs, as amended, provides for adequate margin coverage for long, short, covered, and spread positions.[32]

The Commission notes that strike price interval, bid/ask differential and continuity rules will not apply to transactions in BOUNDs until the time to expiration is less than nine months. This approach is consistent with the approach currently being taken by the Exchanges with regard to their long-term equity and index options. The Commission notes that although specific bid/ask differential and continuity rules do not apply to BOUNDs with over nine months to expiration, the Exchanges' general rules that obligate registered options traders, specialists, and market makers to maintain a fair and orderly market will continue to apply.[33] The Commission believes that the requirements of these rules are broad enough, even in the absence of bid/ask differential and continuity requirements, to provide the Exchanges with the authority to make a finding of inadequate registered option trader, specialist, or market maker performance should these market participants enter into transactions or make bids or offers (or fail to do so) in BOUNDs that are inconsistent with the maintenance of a fair and orderly market.

In order to promote investor protection and to ensure adequate disclosure in connection with BOUNDs, the rules pertaining to standardized options and the requirements of Exchange Act Rule 9b–1 will apply to trading in BOUNDs. As with other securities issued by OCC, the clearing corporation interposes itself between BOUND buyers and sellers, and is technically the ''issuer'' of each contract. Moreover, just as with other OCC issued securities, the Commission believes providing investors with information regarding the rights and characteristics of BOUNDs would provide more useful information to investors than additional information on the issuers underlying the BOUNDs.[34] In this regard, BOUNDs investors will receive a special supplement to the ODD (''BOUNDs supplement'') explaining in detail the economic and risk characteristics of BOUNDs, the mechanism of buying, selling and exercising BOUNDs and the market in which BOUNDs will trade.[35] In addition, the Exchanges will require that every exchange member and member organization deliver to each customer a current ODD and BOUNDs supplement at or prior to the time such

[31] This determination does not preclude another market from trading a PRIME-like product under stock or hybrid product trading rules. It may be appropriate to use a different regulatory structure than that applicable to BOUNDs for a product that combines equity and derivative features. For BOUNDs, the Commission merely is determining that it is consistent with the Act for the Amex, CBOE, and PSE to apply their options rules and to treat the product as a standardized option.

[32] The Commission staff consulted with staff of the Federal Reserve Board in reaching this determination.

[33] *See, e.g.,* Amex Rules 950 and 958 and CBOE Rule 8.7.

[34] The Commission notes that standardized options are registered with the Commission on Form S–20 Registration Statement under the Securities Act of 1933. This information includes the prospectus and financial statements of OCC, which is the issuer of all standardized options.

[35] In reviewing any disclosure materials submitted, the Commission intends to assure that the materials specifically describe BOUNDs, explain their uses, detail the special risks associated with BOUNDs trading, and emphasize that BOUNDs contracts, unlike other standardized options, subject a writer to dividend-equivalent payment obligations. The trading of BOUNDs is expressly contingent upon the Commission's approval of such an ODD supplement.

customer's account is approved for BOUNDs trading.

As discussed above, the Exchanges propose to have BOUNDs issued, cleared and settled by OCC. In this regard, on December 27, 1995, OCC filed with the Commission a proposed rule change to enable it to issue, clear, and settle BOUNDs.[36] The OCC proposal, when approved, should allow OCC to process BOUNDs transactions in accordance with procedures that are substantially similar to its existing well-established systems and procedures for the clearance and settlement of exchange-traded options.[37] In this respect, the Commission notes that the initiation of trading of BOUNDs is conditioned upon Commission approval of OCC's proposal to issue, clear and settle BOUNDs, as well as a Commission order approving the BOUNDs ODD supplement.

The Commission finds good cause for approving the Amendments to the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register.[38] The Commission notes that the Amendments bring the BOUNDs margin rules applicable to spread positions into conformity with the margin treatment currently applicable to other standardized options. Furthermore, the Amendments also bring the Exchanges' rules into conformity with those of OCC which, the Commission notes, reduces the potential for conflict between an Exchanges' and OCC's rules.[39] Also, the Commission believes it is appropriate for Amex and CBOE to not apply their ''ten-up'' rules to BOUNDs transactions (*i.e.*, the minimum size guarantee for BOUNDs quotes). In the absence of trading experience or other indication of adequate market liquidity, the Commission believes it is reasonable for the Amex and CBOE to determine that specialists or market makers should not be required to make ten-up markets for transactions in BOUNDs. The Amendments also eliminate the use of escrow receipts and letters of guarantee as adequate margin cover for BOUNDs. The Commission notes that because it is unknown whether BOUNDs will be settled in cash of the underlying stock until expiration of the BOUNDs position, this raises issues as to whether such instruments serve as adequate cover for short BOUNDs positions. Accordingly, the Commission believes this issue is better addressed in the context of a separate OCC filing. Finally, the Commission notes that PSE's designation of BOUNDs as a Tier I security is consistent with the treatment afforded standardized equity options and, therefore, does not raise any new or unique issues. Accordingly, the Commission believes it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act to approve the Amendment on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the Amendments. 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 Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file numbers in the caption above and should be submitted by February 13, 1996.

Based upon the aforementioned factors, the Commission finds that the proposed rule changes relating to the listing and trading of BOUNDs are consistent with the requirements of Section 6(b)(5) and the rules and regulations thereunder. The initiation of BOUNDs trading, however, is conditioned upon the issuance of an order approving the OCC's proposed rule change to issue, clear, and settle BOUNDs and also upon the Commission's review and approval of an ODD BOUNDs supplement, pursuant to Rule 9b–1 of the Act.

It therefore is ordered, pursuant to Section 19(b)(2) of the Act,[40] that the proposed rule changes (SR–Amex–94–56, SR–CBOE–05–14, and SR–PSE–95–01) are approved, as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[41]

Margaret H. McFarland,

*Deputy Secretary.*

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[36] *See* SR–OCC–95–20.

[37] The Commission has not yet approved OCC's proposed rule filing to issue, clear, and settle BOUNDs (SR–OCC–95–20).

[38] Amex Amendment No. 1 was noticed and published for comment with the original filing. The Commission, therefore, is not seeking comment on Amex Amendment No. 1.

[39] For example, one of the changes alters the timing of the payment of the BOUNDs dividends equivalent. The Commission notes that this change, which brings the Exchanges' rules into conformity with the rules of OCC, will harmonize the payment date for BOUNDs with that of the underlying stock, and that this should make trading strategies involving both the BOUNDs and underlying stock more efficient.

[40] 15 U.S.C. § 78s(b)(2) (1988).

[41] 17 CFR 200.30–3(a)(12) (1994).

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**[Release No. 34–36715; File No. SR–Amex–95–53]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange, Inc. Relating to Options on the Morgan Stanley Healthcare Product Companies Index, the Morgan Stanley Healthcare Providers Index and the Morgan Stanley Healthcare Payors Index

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 American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. On January 2, 1996, the Amex filed Amendment No. 1 to its proposal.[1] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to approve for listing and trading options on three new indexes developed by Morgan Stanley & Co. Incorporated (''Morgan Stanley'') relating to three different subsectors within the healthcare sector: the Morgan Stanley Healthcare Providers Index (''Providers Index''); the Morgan Stanley

[1] In Amendment No. 1, the Amex states that for each of the healthcare sector indexes, if at any time between annual rebalancings, the top five stocks in an Index by weight represent in the aggregate more than 60% of the Index's value, the Exchange will rebalance the Index after the close of trading on Expiration Friday in the next month in the March cycle. *See* Letter from Claire P. McGrath, Managing Director and Special Counsel, Derivatives Securities, Amex, to Michael Walinskas, Branch Chief, Office of Market Supervision, Division of Market Regulation, Commission, dated January 2, 1996 (''Amendment No. 1'').

Healthcare Payors Index (''Payors Index''); and the Morgan Stanley Healthcare Product Companies Index (''Product Companies Index'') (collectively the ''Indexes''). Each Index is comprised of stocks which are traded on the Amex, the New York Stock Exchange (''NYSE''), or are National Market securities traded through the facilities of the National Association of Securities Dealers Automated Quotation system (''NASDAQ''). In addition, the Amex proposes to amend Rule 902C(d) to include the Indexes in the disclaimer provisions of the rule.

The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Amex proposes to trade standardized index options on the Indexes. The Indexes are equal-dollar weighted indexes developed by Morgan Stanley , each representing a portfolio of large, actively traded stocks.[2]

(a) Eligibility Standards for Index Components

The Amex represents that the Indexes conform with Exchange Rule 901C which specifies criteria for inclusion of stocks in an index on which standardized options will be traded. In addition, for each of the Indexes, Morgan Stanley will include in the Index only those stocks that meet the following standards: (1) A minimum price of $7.50 at the time of announcement of entry into the Index; (2) a minimum market capitalization of $75 million; (3) average monthly trading volume in the component security of at least one million shares during the preceding six months; (4) each component security must be traded on the Amex, NYSE or must be a National Market Security traded through the facilities of NASDAQ; and (5) upon annual rebalancing, at least 90% of the Index numerical value and at least 80% of the total number of component securities must meet the then current criteria for standardized option trading set forth in Exchange Rule 915. Also, because the Indexes are equal-dollar weighted, no component security will represent more than 25% of the weight of any of the Indexes, nor will the five highest weighted component securities in any of the Indexes, in the aggregate, account for more than 60% of the weight of that Index upon annual rebalancing. The criteria set forth above are the same as or exceed many of the criteria established for the expedited listing of options on stock industry indexes pursuant to Exchange Rule 901C Commentary .02.

(b) Index Calculation

The Indexes are calculated using an ''equal-dollar weighting'' methodology designed to ensure that each of the component securities is represented in an approximately ''equal'' dollar amount in each Index. The following is a description of how the equal-dollar weighting calculation method works. As of the market close on December 16, 1994, a portfolio of stocks was established for each of the Indexes representing an investment of $300,000 in the stock (rounded to the nearest whole share) of each of the companies in each Index. The value of each Index equals the current market value (*i.e.*, based on U.S. primary market prices) of the sum of the assigned number of shares of each of the stocks in the Index portfolio divided by the Index divisor. The Index divisors were initially determined for each Index to yield benchmark values of 200.00 at the close of trading on December 16, 1994.

Annually thereafter, following the close of trading on the third Friday of December, each Index portfolio will be adjusted by changing the number of whole shares of each component stock in that Index so that each company is again represented in ''equal'' dollar amounts. If necessary, a divisor adjustment is made at the rebalancing to ensure continuity of the Index's value. The newly adjusted portfolio becomes the basis for the Index's value on the first trading day following the annual adjustment.

As noted above, for each Index the number of shares of each component stock in the Index portfolio remains fixed between annual reviews except in the event of certain types of corporate actions such as the payment of a dividend other than an ordinary cash dividend, stock distribution, stock split, reverse stock split, rights offering, distribution, reorganization, recapitalization, or similar event with respect to the component stocks. In a merger or consolidation of an issuer of a component stock, if the stock remains in the Index, the number of shares of that security in the portfolio will be adjusted, if necessary, to the nearest whole share, to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In the event of a stock replacement, the dollar value of the security being replaced will be calculated and that amount invested in the stock of the new component, to the nearest whole share. In all cases, the divisor will be adjusted, if necessary, to ensure Index continuity.

Additionally, for each of the Indexes, if at any time between annual rebalancings, the top five stocks in the Index by weight represent in the aggregate more than 60% of the Index's value, the Exchange will rebalance the Index after the close of trading on expiration Friday in the next month in the March cycle. For example, if in July it is determined that the top five components in the Morgan Stanley Healthcare Product Companies Index account for more than 60% of the Index's weight, then the Index will be rebalanced after the close of trading on expiration Friday in September.[3]

Similar to other stock index values published by the Exchange, the value of each Index will be calculated continuously and disseminated every 15 seconds over the Consolidated Tape Association's Network B.

[2] As of December 1, 1995, the Providers Index was comprised of 15 stocks of companies engaged in the hospital management and medical/nursing services industries, with market capitalizations ranging from $494 million to $23 billion, and six month average daily trading volumes ranging from 95,000 to 995,000 shares. The Payor's Index, as of December 1, 1995, was comprised of 12 stocks of companies conducting business in the managed health care and health industry services industries, with market capitalizations ranging from $622 million to $10 billion and six month average daily trading volumes ranging from 170,000 to 1,700,000 shares. Finally, as of this same date, the Product Companies Index was comprised of 25 equity issues of companies engaged in the major pharmaceuticals, biotechnology, medical specialties, medical electronics, and medical/dental distributors industries. The market capitalizations of these 25 companies range from $1.6 billion to $56.1 billion and the six month average daily trading volumes range from 124,000 to 2,800,000 shares.

[3] *See* Amendment No. 1, *supra* note 1.

(c) Maintenance of the Indexes

The Indexes will be calculated and maintained by the Amex in consultation with Morgan Stanley who may, from time to time, suggest changes in the industry categories represented in any or all of the Indexes or changes in the number of component stocks in an industry category to properly reflect the changing conditions in the healthcare sector. In addition, the Amex will replace component securities in each Index that fails to meet the following maintenance criteria on quarterly review: (1) A minimum market capitalization of $75 million; (2) average monthly trading volume in the component security of at least 500,000 shares during the preceding six months; (3) at least 90% of the Index's numerical value and at least 80% of the total number of component securities meet the then current criteria for standardized option trading set forth in Exchange Rule 915; and (4) a share price of $5.00 or greater for a majority of business days during the three calendar months preceding the date of selection for inclusion in the Index.

At the beginning of each calendar quarter, Morgan Stanley will provide the Amex with a current list of replacement stocks for each Index on which to draw in the event that a component in an Index must be replaced due to merger, takeover or other similar event. The Exchange will make these lists publicly available. Stocks in the replacement lists will be selected and ranked by Morgan Stanley based on a number of criteria, including conformity to the eligibility standards described above and to Exchange Rules 915 and 916 which set forth the criteria for the initial and continued listing of standardized options of equity securities, trading liquidity, market capitalization, ability to borrow shares and share price. The replacement stocks will be categorized by industry within each healthcare subsector and ranked within their category based on the aforementioned criteria. The replacement stock for a security leaving the Index will be selected by the Amex from the replacement list based on industry category and liquidity. In the event no replacement stocks are available that meet the eligibility criteria and pass Morgan Stanley's selection process, then the security leaving the Index will be removed without replacement and the divisor adjusted to ensure Index continuity. It is expected that each Index will remain at the current number of components; however, if the number of components in an Index shall increase or decrease by more than one third, the Exchange must obtain prior approval for such index from the Commission pursuant to Section 19(b) of the Act.

In addition, Morgan Stanley will advise the Exchange regarding the handling of unusual corporate actions which may arise from time to time. Routine corporate actions (e.g., stock splits, routine spin-offs, etc.) which require straightforward index divisor adjustments will be handled by Exchange staff without consultation with Morgan Stanley. All stock replacements and unusual divisor adjustments caused by the occurrence of extraordinary events such as dissolution, merger, bankruptcy, non-routine spin-offs or extraordinary dividends will be made by Exchange staff in consultation with Morgan Stanley. All stock replacements and the handling of non-routine corporate actions will be announced at least ten business days in advance of such effective change, whenever practicable. As with all options currently trading on the Amex, the Exchange will make this information available to the public through dissemination of an information circular.

(d) Expiration and Settlement

The proposed options on the Indexes will be European style (*i.e.,* exercisable only at expiration), and cash settled. Standard option trading hours (9:30 a.m. to 4:10 p.m. New York time) will apply. The options on the Index will expire on the Saturday following the third Friday of the expiration month (''Expiration Friday''). The last trading day in an expiring option series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday). Trading in expiring options will cease at the close of trading on the last trading day.

For each Index, the Exchange plans to list option series with expirations in the three near-term calendar months and in the two additional calendar months in the March cycle. In addition, longer term option series having up to thirty-six months to expiration may be traded. In lieu of such long-term options on a full value Index level, the Exchange may instead list long-term, reduced value put and call options based on one-tenth (1/10th) the Index's full value. In either event, the interval between expiration months for either a full value or reduced value long-term options will not be less than six months. The trading of any long term options would be subject to the same rules which govern the trading of all the Exchange's index options, including sales practice rules, margin requirements and floor trading procedures and all options will have European style exercise. Position limits on reduced value long term Index options will be equivalent to the position limits for regular (full value) Index options and would be aggregated with such options (for example, if the position limit for the full value options is 12,000 contracts on the same side of the market, then the position limit for the reduced value options will be 120,000 contracts on the same side of the market).

For each Index, the exercise settlement value for all of the Index's expiring options will be calculated based upon the primary exchange regular way opening sale prices for the component stocks. In the case of securities traded through the NASDAQ system, the first reported regular way sale price will be used. If any component stock does not open for trading on its primary market on the last trading day before expiration, then the prior day's last sale price will be used in the calculation.

(e) Exchange Rules Applicable to Stock Index Options

Amex Rules 900C through 980C will apply to the trading of option contracts based on the Indexes. These Rules cover issues such as surveillance, exercise prices, and position limits. Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on the Indexes. The Indexes are deemed to be Stock Index Options under Rule 901C(a) and Stock Index Industry Groups under Rule 900C(b)(1). With respect to Rule 903C(b), the Exchange proposes to list near-the-money (*i.e.* strike prices within ten points above or below the current index value) option series on an Index at 2½ point strike price intervals when the value of that Index is below 200 points. In addition, the Exchange expects that the review required by Rule 904C(c) will result in position limits of 12,000 contracts with respect to options on each of the Indexes.

2. Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the

mechanism of a free and open market and a national market system.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–95–53 and should be submitted by February 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–836 Filed 1–22–96; 8:45 am]

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**[Release No. 34–36721; File No. SR–Amex–95–58]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to Listing and Trading of Warrants Based on the Undervalued Market Basket

January 16, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 2, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. 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 Amex, pursuant to Rule 19b–4 of the Act, proposes to approve for listing and trading, under Section 106 of the Amex *Company Guide*, index warrants based on the undervalued market basket index (''Index''). The Index is an equal-dollar weighted broad-based index developed by the Exchange and is comprised of stocks which are traded on the Amex, the New York Stock Exchange, Inc. (''NYSE''), or through the facilities of the National Association of Securities Dealers Automated Quotation system and are reported national market system securities (''NASDAQ/NMS'').

The text of the proposed rule change is available at the Office of the Secretary, the Amex, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Under Section 106 of the Amex *Company Guide*, the Exchange may approve for listing index warrants based on foreign and domestic market indices. While the Exchange currently lists and trades warrants on a number of foreign market indices, it currently proposes to list and trade warrants on a domestic market index. The listing and trading of warrants on the undervalued market basket index will comply in all respects with Exchange Rules 1100 through 1110 for the trading of stock index and currency warrants.

Warrant issues on the Index will conform to the listing guidelines under Section 106, which provide, among other things, that: (1) the issuer shall have tangible net worth in excess of $250,000,000 and otherwise substantially exceed size and earnings requirements in Section 101(A) of the *Company Guide* or meet the alternate guideline in paragraph (a); (2) the term of the warrants shall be for a period ranging from one to three years from the date of issuance; and (3) the minimum public distribution of such issues shall be 1,000,000 warrants, together with a minimum of 400 public holders, and have an aggregate market value of $4,000,000.

Index warrants will be direct obligations of their issuer subject to cash-settlement during their term, and either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). Upon exercise, or at the warrant expiration date (if not exercisable prior to such date), the holder of a warrant structured as a ''put'' would receive payment in U.S. dollars to the extent that the Index has declined below a pre-stated cash settlement value. Conversely, holders of a warrant structured as a ''call'' would, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the Index has increased above the pre-stated cash settlement value. If ''out-of-the-money'' at the time of expiration, the warrants would expire worthless. In addition, the Amex, prior to the

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. § 78s(b)(1)(1988).

[2] 17 CFR 240.19b–4 (1994).

commencement of trading, will distribute a circular to its membership calling attention to specific risks associated with warrants on the Index.

The Amex is proposing to list index warrants based on the undervalued market basket index, an equal-dollar weighted index. The Index represents a broad-based portfolio of large, actively traded stocks from various industries. The total market capitalization of the Index was $344,658,060,000 on December 22, 1995. The median capitalization of the companies in the Index on that date was approximately $3.2 billion and the average market capitalization of these companies was approximately $8 billion. The individual market capitalization of the companies ranged from approximately $126 million to approximately $48.5 billion. During the six month period from June 1995 through November 1995, the average monthly trading volume of the stocks in the Index ranged from 500,000 shares to 188.5 million shares.[3]

The Index is calculated using an ''equal-dollar weighting'' methodology that is designed to ensure that each of the component securities is represented in an approximately ''equal'' dollar amount in the Index. The following is a description of how the equal-dollar weighting calculation method works. Initially, each of the securities in the Index will have equal representation. Specifically, each security included in the Index will be assigned a multiplier on the date of issuance of the warrant so that each component represents an equal percentage of the value of the Index on the date of issuance. The multiplier indicates the number of shares of a security (or the fraction of one share), given its market price on an exchange or through NASDAQ, to be included in the calculation of the Index. Accordingly, each of the 43 companies included in the Index will represent approximately 2.32 percent of the weight of the Index at the time of issuance of the warrant. The Index multipliers will be determined to yield the benchmark value of 100.00 on the date the warrant is priced for initial offering to the public.

As noted above, the multiplier of each component stock in the Index portfolio remains fixed except in the event of certain types of corporate actions such as the payment of a dividend other than an ordinary cash dividend, stock distribution, stock split, reverse stock split, rights offering, distribution, reorganization, recapitalization, or similar event. The multiplier of each component stock may also be adjusted, if necessary, in the event of a merger, consolidation, dissolution, or liquidation of an issuer or in certain other events such as the distribution of property by an issuer to shareholders, the expropriation or nationalization of a foreign issuer, or the imposition of certain foreign taxes on shareholders of a foreign issuer. Shares of a component stock may be replaced (or supplemented) with other securities under certain circumstances, such as the conversion of a component stock into another class of security, the termination of a depositary receipt program, or the spin-off of a subsidiary. If the stock remains in the Index, the multiplier of that security may be adjusted to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. In the event that a security in the Index is removed due to a corporate consolidation and the holders of such security receive cash, the cash value of such security will be included in the Index and will accrue interest at Labor to term, compounded daily.

Similar to other stock index values published by the Exchange, the value of the Index will be calculated continuously and disseminated every fifteen seconds over the Consolidated Tape Association's Network B.

The Exchange believes that it is appropriate to seek broad-based index classification for warrant trading on the undervalued market basket index since the Index represents a broad spectrum of companies across various industries. The industry breakdown, as classified by the Office of Management and Budget in their *Standard Industry Classifications,* includes computers, aircraft, retain, banking, cellular telecommunications, pharmaceutical, petroleum products, medical supplies, hotel/motels, toys, and retail stationary. Further, the Index meets and exceeds the following criteria: (1) Each component security has an average daily trading volume of at least 40,000 shares during the preceding six months (to remain in the Index, each component will have to maintain an average daily trading volume of at least 20,000 shares); (2) no more than 20% of the total weighting of the Index is represented by underlying securities that have an average daily trading volume less than 75,000 shares in the preceding six months; (3) no underlying security represents more than 10% of the total weight of the Index; (4) the five most heavily weighted securities in the Index do not represent more than 30% of the total weight of the Index; (5) the Index is comprised of at least ten industry sectors represented by no less than 43 component securities; and (6) at least 75% of the total capitalization of the Index is represented by component securities that meet the Exchange's criteria for standardized options trading which is set forth in Exchange Rule 915. In addition, the Index meets and exceeds the Designation Criteria for Futures Contracts Involving Non-Diversified Stock Indexes.[4]

2. Statutory Basis

The Amex believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and with Section 6(b)(5) in particular,[5] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the 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 Amex consents, the Commission will:

A. by order approve the proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

[3] Two of the component securities, Patriot Am. Hospitality and Pharmacia & Upjohn, Inc., have been trading for less than six months. Patriot Am. Hospitality began trading on September 27, 1995 as an initial public offering and has had an average monthly trading volume for the months of October and November of 2.7 million shares. Pharmacia & Upjohn was the result of a merger between Pharmacia Aktiebolag and The Upjohn Company and began trading on November 3, 1995. Pharmacia & Upjohn traded 47.5 million shares during the month of November.

[4] *See* Securities and Exchange Commission and Commodity Futures Trading Commission Joint Statement of Policy, Release No. 20578 (January 18, 1984), 49 FR 2884.

[5] 15 U.S.C. § 78f(b)(5) (1988).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–95–58 and should be submitted by February 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–834 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

**[Release No. 34–36716; File No. SR–BSE–95–17]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Amendments to Its Transaction Fee Schedule

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 Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend, as of January 1996 trading, its fee schedule pertaining to transaction fees. The text of the proposed rule change is as follows [new text is italicized; deleted text is bracketed]:

TRANSACTION FEES

| | |
|---|---|
| (1) [Credits | $1.50 per trade. |
| • BSE non-self-directed market orders 100 to 2,500 shares inclusive. | |
| • Credit is limited to total monthly transaction fees. | |
| (2)] Trade Recording and Comparison Charges | |
| • [BSE single-sided executions up to and including 5,000 shares | No charge]. |
| [• BSE cross trade executions up to and including 2,000 shares] *All BSE executions up to and including 2,500 shares.* | No charge. |
| • *All BSE single-sided executions from 2,501–5,000 shares* | *No charge.* |
| * * * * * * * | |
| [(3)](*2*) Value Charges | |
| • [BSE single-sided executions up to and including 5,000 shares | $.20 per 100 shares]. |
| *BSE non-self-directed market and marketable limit executions up to and including 2,500 shares* | *No charge.* |
| • [BSE cross trade executions up to and including 2,000 shares] *All other BSE executions up to and including 2,500 shares.* | $.20 per 100 shares. |
| • *All BSE single-sided executions from 2,501 to 5,000 shares* | *$.20 per 100 shares.* |
| * * * * * * * | |
| (*3*) *Floor Broker Cross Trade Discounts* | |
| • *First 200 cross trades per month* | *Charge on both trade sides.* |
| • *Next 200 cross trades per month* | *Charge on one trade side.* |
| • *Over 400 cross trades per month* | *Charge on ½ of one trade side.* |
| * * * * * * * | |

[6] 17 CFR 200.30–3(a)(12) (1994).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Transaction Fee Schedule in order to capitalize on the competitive niches that the Exchange currently enjoys and to improve the Exchange's competitive position in the overall marketplace. The Exchange plans to: (1) Eliminate the existing market order credit; (2) eliminate all transaction fees on BSE executed, non-self-directed, market and marketable limit orders up to and including 2,500 shares; and (3) implement a discount schedule for floor broker entered cross trades.

2. Statutory Basis

The statutory basis for this proposal is Section 6(b)(4) of the Act.[1]

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder.[2] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, 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 at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–BSE–95–17 and should be submitted by February 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–838 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78f(b)(4).

[2] 15 U.S.C. 78s(b)(3)(A) and 17 CFR 19b–4(e).

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**[Release No. 34–36709; File No. SR–CBOE–95–72]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to the Effective Date of the Standing Assurance Provision Relating to the Requirement To Make Prior Arrangements or Obtain Other Assurances Before Short Selling

January 11, 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 January 2, 1996, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') 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 CBOE. 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 CBOE hereby gives notice that it proposes to change the effective date of a certain aspect of a rule change, interpretation .04 to Rule 30.20, previously approved by the Commission.[1] The previously approved rule change relates to the requirement to make prior arrangements to borrow stock or to obtain other assurances that delivery can be made on settlement date before a member or person associated with a member may sell short. Specifically, the CBOE proposes to delay, until March 30, 1996, the effectiveness of that portion of Interpretation .04 to Rule 30.20 that prohibits CBOE members from using blanket assurances that securities are available for borrowing to satisfy their affirmative determination requirements.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE 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 CBOE 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 purpose of this rule proposal is to delay the effectiveness of a certain aspect of a rule change previously approved by the Commission relating to the requirement to make prior arrangements to borrow stock, warrants, or other securities that trade subject to Chapter 30 of the Exchange's rules, or to otherwise ensure availability of the subject securities before engaging in

[1] *See* Securities Exchange Act Release No. 36245 (Nov. 27, 1995), 60 FR 62273 (Dec. 5, 1995).

short sales. Specifically, the CBOE proposes to delay, until March 30, 1996, the effectiveness of that portion of the rule change that prohibits CBOE members from using blanket or standing assurances that securities are available for borrowing to satisfy their affirmative determination requirements.

The previously approved rule requires members to annotate, on the trade ticket or some other record maintained for that purpose by the member firm, the following information:

1. if a customer assures delivery, the present location of the securities in question, whether they are in good deliverable form and the customer's ability to deliver them to the member within three (3) business days; or

2. if the member locates the stock, the member must annotate the identity of the individual and firm contacted who offered assurance that the shares would be delivered or were available for borrowing by settlement date and the number of shares needed to cover the short sale.

The rule also provides that the manner by which a member or person associated with a member annotates compliance with this ''affirmative determination'' requirement (e.g., marking the order ticket, etc.) is left for each individual member to decide. In addition, the rule clarifies that an affirmative determination and annotation of that affirmative determination must be made for each and every transaction since a ''blanket'' or standing assurance that securities are available for borrowing is not acceptable to satisfy the affirmative determination requirement (''standing assurance provision''). Thus, a firm that relies on a fax sheet or other standing assurance as to stock availability must annotate such reliance for each short sale transaction. By requiring firms to annotate each and every affirmative determination, the rule makes clear the CBOE's policy that firms cannot rely on daily fax sheets of ''borrowable stocks'' to satisfy their affirmative determination requirements under the Interpretation .04 to Rule 30.20.

As the rule change was filed for immediate effectiveness as a non-controversial rule change, the rule became operative thirty days after the rule change was filed with the Commission.[2] This rule is based upon a similar rule that has been adopted by the National Association of Securities Dealers (''NASD''). The NASD has decided to delay the effectiveness of the standing assurance provision until February 20, 1996 because of the feedback from a broad spectrum of NASD members and because the NASD believes the standing assurance provision may have created an unnecessarily burdensome regulatory requirement on NASD members. As a result, the NASD is in the process of evaluating comments raised by market participants concerning the provision to determine what further action should be taken. The CBOE plans to consult with the NASD regarding their review of this provision and anticipates that it will decide whether it should take action regarding the standing assurance provision by March 30, 1996.

By delaying the effectiveness of the standing assurance provision until March 30, 1996, this rule proposal will give members an opportunity to take the necessary actions to comply with the rule. In addition, the delay will allow the CBOE to consult with the NASD to determine whether to retain this provision or modify it, thereby assuring that the CBOE rules are crafted to achieve their regulatory purpose in a manner that is the least burdensome for its membership. Therefore, CBOE, represents that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(4) of the Act in particular, in that it is designated by the Exchange as constituting a stated policy with respect to the enforcement of an existing rule.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice or interpretation with respect to the enforcement of an existing CBOE rule, it has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies there of 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 Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the File No. SR–CBOE–95–72 and should be submitted by February 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–791 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

[2] It should be noted at this time the CBOE does not trade any product that would be subject to this rule, although, by its terms, the rule applies to transactions by CBOE members on another national securities exchange or in the over-the-counter market.

[3] 17 CFR 200.30–3(a)(12) (1994).

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**[Release No. 34–36723; File No. SR–CHX–95–29]**

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Revisions to Its Rules in Connection With the Chicago Stock Exchange, Incorporated's Decision To Withdraw From the Clearance and Settlement and Securities Depository Businesses

January 16, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 26, 1995, the Chicago Stock Exchange,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from Interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add Interpretation and Policy .01 to Rule 3 of Article XXI, add Rule 14 to Article XXI, and amend Rule 4, Rule 12 and Rule 13 of Article XXI of the Exchange's rules.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspect of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

In Securities Exchange Act Release No. 36684 (January 5, 1996) File No. SR–CHX–95–27), the Commission approved a proposed rule change by the Exchange relating to a decision by the CHX to withdraw from the clearance and settlement and securities depository businesses, conducted through its subsidiaries, the Midwest Clearing Corporation (''MCC'') and the Midwest Securities Trust Company (''MSTC''), among other things.[3] The purpose of the current proposed rule change is to make certain changes to the CHX rules, which changes have been necessitated because of the arrangements between the CHX, MCC, MSTC, The Depository Trust Company (''DTC''), the National Securities Clearing Corporation, and the Securities Trust Company of New Jersey that are described in SR–CHX–95–27.[4]

Amended Rule 4 of Article XXI will codify an existing policy that all CHX members that clear transactions executed on the floor of the Exchange maintain an account at a Registered Clearing Agency[5] that, among other things, has entered into appropriate agreements with the Exchange for the recording of all their transactions (a ''Qualified Clearing Agency''). Rule 4 also will require all specialists and market makers to maintain special, designated accounts at a Qualified Clearing Agency, either directly or through a clearing member, in which all transactions that the specialist or market maker effects in its capacity as a specialist or market maker are recorded.

The Exchange is also adding Interpretation and Policy .01 to Article XXI, Rule 3—Delivery of Tickets to be Compared, which states that members shall only submit to the Exchange trade data for executions on the CHX floor pursuant to this rule for dissemination or forwarding to a Qualified Clearing Agency.

In addition to the changes to Rules 3 and 4 of Article XXI, the Exchange is amending existing Rule 12 and Rule 13 of Article XXI to delete references to services provided by MSTC. Furthermore, the Exchange is adding a new Rule 13 to Article XXI to enable the Exchange to provide special services to, and act as agent for, specialists, market makers and floor brokers. Such services may include making deposits or withdrawals from a bank account, borrowing securities, providing and keeping reports and records, and special cashiering, among other things. Finally, the Exchange is adding a new Rule 14 to Article XXI relating to its guaranty of certain obligations of MCC and MSTC to a Qualified Clearing Agency and to DTC, as the case may be. Members of the Exchange that are Sponsored Participants or Temporary Sponsored Participants of MCC and MSTC will indemnify the Exchange and hold it harmless against any losses and liabilities incurred by the Exchange under the guaranty.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act[6] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interests.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were either solicited or received.

III. 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 at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–95–29 and should be submitted by February 13, 1996.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the CHX's proposal to revise its rules in

[3] In connection with the CHX's withdrawal from these businesses, in SR–CHX–95–27 the Exchange also eliminated the Participant Governor positions from the CHX Board of Governors.

[4] The arrangement relevant to this proposed rule change provide for the following: (1) MSTC and MCC would cease providing securities depository and clearing services by January 15, 1996; (2) MSTC and MCC sole participants would be offered the opportunity to become DTC and NSCC participants if they met DTC and NSCC qualifications; (3) DTC and NSCC would cooperate with MSTC and NSCC to assure the orderly transfer of securities and positions from MSTC and NSCC participants that authorize such transfers; and (4) under certain circumstances, CHX and its subsidiaries would be free to provide certain specified securities depository and clearing-related services and products to CHX members and certain third parties.

[5] Article XXI, Rule 4, Interpretation and Policy .01 of the proposed rule change defines a Registered Clearing Agency as an entity that meets the definition of ''clearing agency'' as that term is defined in Section 3(a)(23) of the Act, 15 U.S.C. 78c(a)(23), and is registered with the SEC pursuant to Section 19(a) of the Act, 15 U.S.C. 78s(a).

[6] 15 U.S.C. 78f(b)(5).

connection with the Exchange's withdrawal from the clearance and settlement and securities depository businesses is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act.[7] Section 6(b)(5) requires, among other things, that the rules of an exchange are designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Commission believes that the proposed amendments to Article XXI, Rules 3 and 4, regarding members' submission of trade data to the Exchange and maintenance of accounts with Qualified Clearing Agencies for recording purposes, fosters such cooperation and coordination with Qualified Clearing Agencies by providing an appropriate mechanism for the submission and recording of CHX members' trade information.

The Commission also believes that Article XXI, Rules 12 and 13, as amended, which allows the Exchange to adopt procedures for the closure of overdue contracts in securities and to provide certain special services for its members (including making deposits or withdrawals from a bank account, borrowing securities, providing and keeping reports and records, and special cashiering), respectively, give the Exchange appropriate authority to perform such services and thereby facilitates the implementation of the proposed arrangements relating to the CHX's decision to withdraw from the businesses it conducted through MCC and MSTC.[8]

Finally, the Commission believes that the proposed Article XXI, Rule 14, which indemnifies the Exchange for providing a guaranty to DTC or a Qualified Clearing Agency to guarantee the obligations of MSTC and MCC to DTC or such Qualified Clearing Agency, should ensure that the Exchange is not discouraged from providing such guaranties, thus fostering cooperation and coordination with those persons engaged in the clearance and settlement of Exchange transactions.

The Commission finds good cause for approving the proposed rule change prior the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. The Commission believes that accelerated approval of the proposal is appropriate to ensure that adequate rules are in place as of January 16, 1996, the date by which CHX members must find substitute service providers as a result of the Exchange's withdrawal from the securities clearing services and depository businesses it conducted through MCC and MSTC. Further, the proposal involving the arrangements relating to the CHX's decision to withdraw from such businesses was noticed previously in the Federal Register for the full statutory period and has been approved by the Commission.[9]

It is therefore ordered, pursuant to Section 19(b)(2)[10] that the proposed rule change is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–833 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78f(b)(5).

[8] *See supra* note 4 and accompanying text.

[9] *See supra* text accompanying note 3.

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

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**[Release No. 34–36717; File No. SR–NASD–95–62]**

## Self-Regulatory Organizations; Notice of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Members' Use of Blanket or Standing Assurances as to Stock Availability To Satisfy Their Affirmative Determination Requirements Under the Prompt Receipt and Delivery of Securities Interpretation When Effecting Short Sales

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 January 11, 1996,[1] 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 the Substance of the Proposed Rule Change

The NASD is proposing to change the NASD's Prompt Receipt and Delivery of Securities Interpretation (''Interpretation'') issued by the NASD Board of Governors under Article III, Section 1 of the NASD Rules of Fair Practice. Specifically, the NASD proposes to amend the Interpretation to provide that under certain circumstances members may rely on ''blanket'' or standing assurances as to stock availability to satisfy their affirmative determination requirements under the Interpretation. The following is the complete text of the proposed rule change. Additions are italicized and deletions are bracketed.

••• Interpretation of the Board of Governors

Prompt Receipt and Delivery of Securities

* * * * *

Section (b)(4)(c)

The manner by which a member or person associated with a member annotates compliance with the ''affirmative determination'' requirement contained in subsection (b)(2) above (e.g., marking the order ticket, recording inquiries in a log, etc.) is not specified by this Interpretation and, therefore, shall be decided by each member. [However, an affirmative determination and annotation of that affirmative determination must be made for each and every transaction since a ''blanket'' or standing assurance that securities are available for borrowing is not acceptable to satisfy the affirmative determination requirement.] *Members may rely on ''blanket'' or standing assurances that securities will be available for borrowing on settlement date to satisfy their affirmative determination requirements under this Interpretation, provided: (1) the information used to generate the ''blanket'' or standing assurance is less than 24-hours old; and (2) the member delivers the security on settlement date. Should a member relying on a blanket or standing assurance fail to deliver the security on settlement date, the Association shall deem such conduct inconsistent with the terms of this Interpretation, absent mitigating circumstances adequately documented by the member.*

[1] The proposed rule change was initially submitted on December 27, 1995, but was amended prior to publication in the Federal Register. The amendment corrects a technical error in the proposed amended language and is available for copying in the Commission's Public Reference Room.

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*

On September 12, 1994, the SEC approved an NASD rule change (SR-NASD–94–32) that amended the Interpretation.[2] Specifically, the Interpretation, as amended, requires members to annotate, on the trade ticket or on some other record maintained for that purpose by the member firm, the following information when effecting a short sale transaction:[3]

1. If a customer assures delivery, the member must annotate that conversation noting the present location of the securities; whether the securities are in good deliverable form; and whether they will be delivered to the firm within time for settlement; or

2. If the member locates the stock, the member must annotate the identity of the individual and firm contacted who offered assurance that the shares would be delivered or were available for borrowing by settlement date; and the number of shares needed to cover the short sale.

The amendment also provided that the manner by which a member or person associated with a member annotates compliance with this ''affirmative determination'' requirement (e.g., marking the order ticket, recording inquiries in a log, etc.) is left for each individual firm to decide. In addition, the amendment also clarified that an affirmative determination and annotation of that affirmative determination must be made for each and every transaction since a ''blanket'' or standing assurance that securities are available for borrowing is not acceptable to satisfy the affirmative determination requirement (''standing assurance provision''). Thus, by requiring firms to annotate each and every affirmative determination, the amendment made clear the NASD's policy that firms cannot rely on daily fax sheets of ''borrowable stocks'' to satisfy their affirmative determination requirements under the Interpretation.

In NASD Notice to Members 94–80, the NASD announced that the effective date of the amendments to the Interpretation would be November 30, 1994. Based upon feedback from a broad spectrum of NASD members that compliance with the amended Interpretation would not be possible by November 30, 1994, due to a variety of operational adjustments that needed to be made, the NASD decided to postpone the effective date of the amendments to the Interpretation until January 9, 1995, to give member firms sufficient time to prepare for the rule change.

In addition, in light of the NASD's concern that the prohibition against the use of daily fax sheets and other ''blanket'' or standing assurances may have created an unnecessarily burdensome regulatory requirement for NASD members, the NASD decided to postpone the effective date of the standing assurance provision until February 20, 1996, to give the NASD the opportunity to determine whether to amend or delete the rule or let it go into effect as approved by the SEC.[4] Even though the NASD has delayed the effective date of the standing assurance provision, the Interpretation, as amended, still requires members to make an affirmative determination as to stock availability for every short sale transaction and annotate that such a determination was made.

Accordingly, after having had an opportunity to reexamine the standing assurance provision, the operational impact it would have on member firms, and other regulatory requirements applicable to short sales, the NASD is now proposing to delete the standing assurance provision and replace it with a provision that would allow NASD members to rely on daily fax sheets under some circumstances. Specifically, under the proposal, a member could rely on a ''blanket'' or standing assurance that securities will be available for borrowing on settlement date to satisfy its affirmative determination requirement under the Interpretation, provided: (1) The information used to generate the ''blanket'' or standing assurance is less than 24-hours old; and (2) the member delivers the security on settlement date. The proposal also provides that, should a member relying on a ''blanket'' or standing assurance fail to deliver the security on settlement date, the NASD will deem such conduct inconsistent with the terms of the Interpretation, absent mitigating circumstances adequately documented by the member.

The NASD believes this proposal strikes a reasonable balance between the need to prevent naked, potentially abusive short selling activity and the need to avoid the imposition of rules that impose unnecessarily burdensome regulatory requirements. Specifically, while the proposal does not categorically prohibit the use of daily fax sheets to make affirmative determinations, it does impose conditions on the use of fax sheets (*i.e.*, they cannot be based on information older than 24 hours) and it clearly alerts members relying on daily fax sheets to the risk that they shall be in violation of the Interpretation if they subsequently fail to deliver the security sold short. Thus, contrary to the standing assurance provision, members would have the flexibility under the proposal to exercise their judgement as to whether it would or would not be appropriate to rely on a fax sheet. As noted above, however, even though firms would have the flexibility to use fax sheets under the proposal, should a member use a fax sheet and subsequently fail to deliver the stock, the NASD would view such failure to deliver to be conduct inconsistent with the Interpretation. In this connection, in instances where a member fails to deliver after having relied on a fax sheet, the proposal also provides that the NASD may consider mitigating circumstances adequately documented by the member. The NASD believes this further illustrates the reasonableness of its proposal.

For the above reasons, the NASD believes the proposed rule change is consistent with Section 15A(b)(6) of the Act. 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

[2] Securities Exchange Act Release No. 34653 (September 12, 1994), 59 FR 47965 (September 19, 1994).

[3] The rule change did not modify any exemptions from the affirmative determination requirements that are presently contained in the Interpretation. Specifically, transactions in corporate debt securities, bona fide market making transactions by members in securities in which they are registered as Nasdaq market makers, bona fide market maker transactions in non-NASDAQ securities in which the market maker publishes two-sided quotations in an independent quotation medium, and proprietary transactions by members that result in fully hedged or arbitraged positions, are still exempt from the affirmative determination requirements for short sales.

[4] See Securities Exchange Act Release Nos. 35207 (January 10, 1995), 60 FR 3445 (January 17, 1995); and 36245 (September 18, 1995), 60 FR 49307 (September 22, 1995).

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. In addition, the NASD believes that its proposal will serve to conform the NASD's affirmative determination rule with the New York Stock Exchange's (''NYSE'') affirmative determination rule, thereby promoting uniformity and consistency in the application and interpretation of parallel NASD and NYSE rules and avoiding member firm confusion. In sum, the NASD believes the proposal will ease some of the operational concerns raised by members with respect to the standing assurance provision, without compromising the regulatory purposes served by the Interpretation.

*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 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.

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. In particular, the Commission seeks comment on whether the benefits associated with the annotation requirement contained in the Interpretation outweigh those associated with the use of a fax sheet to an extent necessary to justify a presumption that reliance on a fax sheet will be deemed conduct inconsistent with the Interpretation in the case of a ''fail to deliver'' situation. In addition, the Commission seeks comment on the extent to which interested persons perceive a problem associated with the possibility of an arbitrary application of the Interpretation. 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–95–62 and should be submitted by February 13, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

*Secretary.*

[FR Doc. 96–841 Filed 1–22–96; 8:45 am]

**BILLING CODE 8010–01–P**

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**[Release No. 34–36714; File No. SR–NSCC–95–13]**

## Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change Enabling Members Settling Mutual Fund Transactions in Same Day Funds To Settle Through a Settling Bank

January 16, 1996.

On November 3, 1995, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–NSCC–95–13) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the Federal Register on November 28, 1995.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

NSCC's proposed rule change modifies NSCC's rules to enable members settling mutual fund transactions in same day funds to settle their obligations with NSCC through a settling bank. The proposal establishes a new membership category for settling banks. To become a settling bank, a bank will be required to meet the operational and financial requirements established by NSCC. These requirements include that a settling bank must have a short-term obligation rating of at least A–2 by Standard and Poor's Corporation or P–2 by Moody's Investor Services Incorporated.[3] Banks that do not meet this standard may be considered on an exception basis. Each bank that qualifies as a settling bank will be required to enter into a separate agreement with each member on whose behalf it will perform settlement functions.

Under the rules, settling banks will have the opportunity to refuse to settle for one or more members by notifying NSCC within the time established by NSCC. The proposed rules also specify that settling banks will be required to wire funds by the deadline imposed by NSCC or be subject to a penalty fee. In addition, any settling bank that fails to pay on settlement day will be required to cover NSCC's interest costs resulting from its failure to settle in a timely manner. NSCC's proposed rule change also makes conforming changes to relevant sections of NSCC's rules.

II. Discussion

Section 17A(b)(3)(F)[4] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes the proposed rule change is consistent with NSCC's obligations under the Act because the proposal will help facilitate NSCC's conversion to a same day funds settlement system on February 22, 1996 by establishing a structure by which

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[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 36495 (November 20, 1995), 60 FR 58697.

[3] A–2 and P–2 are credit ratings issued, respectively, by Standard and Poor's Corporation and Moody's Investor Services, Inc., to recommend the credit worthiness of various financial institutions with regard to certain financial obligations. These agencies may look at many factors, including profitability, capital, asset quality, liquidity, and management, before assigning a rating to the obligations of a financial institution.

[4] 15 U.S.C. 78q-1(b)(3)(F) (1988).

NSCC and its members can settle in same day funds.[5]

The proposed rule change allows members settling mutual fund transactions in same day funds to settle their obligations with NSCC through a settling bank. Because settlement banks net their settling members, fund members, and their own NSCC debits and credits into a single debit or credit balance with NSCC, the number of payments made to NSCC or by NSCC at settlement will be reduced. Reducing the number of payments between members and NSCC should make the settlement process more efficient and should reduce the risk of error associated with multiple payments between NSCC and individual members. As a result, the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds which are in the custody or control of NSCC or for which it is responsible should be promoted.

Furthermore, the use of settling banks should reduce the risks associated with a member's failure to settle because a settling bank must notify NSCC by the designated cutoff time of its refusal to settle for a particular member. The settling bank's notice to NSCC allows NSCC the opportunity to prepare for the possibility of member failure by identifying alternate sources of financing (*e.g.*, lines of credit or member collateral). This also should further NSCC's ability to meet its obligation to safeguard securities and funds which are in its custody or control or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with Section 17A(b)(3)(F) of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–95–13) be, and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

[FR Doc. 96–793 Filed 1–22–96; 8:45 am]

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[5] For a complete description of the same-day funds conversion, refer to NSCC, Important Notice (October 16, 1995 and November 29, 1995).

[6] 17 CFR 200.30–3(a)(12) (1994).

**[Release No. 34–36708; International Series Release No. 915; File No. SR–NYSE–95–36]**

## Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Specifications and Content Outline for the Japan Module (Series 47) of the General Securities Registered Representative Examination

January 11, 1996.

I. Introduction

On October 25, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt the Japan module of the General Securities Registered Representative Examination.

The proposed rule change was published for comment in the Federal Register on December 4, 1995.[3] No comments were received on the proposal. This order approves the proposal.

II. Description of the Proposal

Presently, registered representatives who already are qualified to conduct business in Japan and who wish to sell securities in the United States must qualify as registered representatives in the U.S. by successfully completing the General Securities Registered Representative Examination (Series 7).[4] In an effort to reduce redundant qualification requirements, the Exchange has developed the Japan module (Series 47) of the Series 7. As a subset of the Series 7, this 160 question module is designed to test the Japanese registered representatives' knowledge of U.S. securities laws, markets, investment products, and sales practices.

To become registered with the Exchange, qualified Japanese registered representatives in good standing with the Japanese securities authorities would be required to obtain a passing score on the Series 47. Japanese representatives seeking to sell municipal securities, however, would be required to pass either the standard Series 7 or a combination of the Series 47 and the Series 52 (Municipal Securities Representative Examination).

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes the proposal is consistent with the requirements of Section 6(b)(5) and Section 6(c)(3)(B).[5]

The Commission believes the proposal is consistent with Section 6(b)(5)[6] because it is designed to help perfect the mechanism of a free and open market. The Series 47 reduces duplicative qualification requirements and, at the same time, allows the Exchange to ensure that the Japanese representatives wishing to become registered with the Exchange are fully qualified.

The Commission believes the proposal is consistent with Section 6(c)(3)(B)[7] because it establishes standards of training, experience, and competence for persons associated with Exchange members and member organizations. The Japan module should provide comprehensive coverage of the topics contained in the Series 7 that are not covered, or are not covered in sufficient detail, in the Securities Sales Representative Qualification Examination. Accordingly, the Series 47, combined with the Securities Sales Representative Qualification Examination, should measure the qualifications of Japanese representatives adequately.

IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–NYSE–95–36) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–790 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 36514 (Nov. 27, 1995), 60 FR 62118.

[4] Likewise, U.S. qualified registered representatives desiring to conduct securities business in Japan must satisfy Japanese requirements by passing the Securities Sales Representative Qualification Examination or by meeting experiential requirements.

[5] 15 U.S.C. 78f(b)(5) and 78f(c)(3)(B).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(c)(3)(B).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

**[Release No. 34–36711; File No. SR–PTC–95–06]**

## Self-Regulatory Organizations; Participants Trust Company; Order Approving Proposed Rule Change Modifying Processing System

January 11, 1996.

On September 15, 1995, the Participants Trust Company (''PTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–PTC–95–06) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] The proposed rule change amends PTC's rules to reflect changes to its processing system. The Commission published notice of the proposed rule change in the Federal Register on October 25, 1995.[2] For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change amends PTC's rules to reflect changes to its processing system that will cause both the deliver and receive sides in a securities transaction to simultaneously receive debits and credits to their respective securities and cash positions. The changes to the processing system are intended to satisfy a commitment (''Commitment No. 3'') made by PTC to the Commission and to the Board of Governors of the Federal Reserve System (''Board of Governors'') when PTC was established. Commitment No. 3 stated that PTC would ''make the necessary technical changes (including Rules changes) for Delivering Participants to: (i) be immediately notified, or able to ascertain, that securities debited from a Delivering Participant's Account or associated Transfer Account have not been credited to the Receiving Participant's Account or associated Transfer Account; and (ii) be able to retrieve such undelivered securities and to redeliver, pledge or hold such securities.'' [3] These amendments took effect on January 8, 1996, concurrent with the implementation of new software, SPEED Release 5.6, which software will make the corresponding changes to PTC's SPEED transaction processing system.[4]

Under PTC's previous procedures, a delivering participant initiated a transfer of securities to another participant by instructing an account transfer of securities from its account or associated transfer account. If the account from which the transfer was requested satisfied the conditions set forth in PTC's rules,[5] PTC debited the securities from the account or associated transfer account of the delivering participant and if the transfer was versus payment credited the related cash balance.

Prior to crediting securities to the account of the receiving participant or in an account transfer versus payment transaction to the associated transfer account, the receipt of securities was required to comply with the receipt mode selected by the receiving participant.[6] Furthermore, if the transfer was versus payment, the receiving participant was required to have sufficient NFE, and the resulting debit to the account cash balance could not have caused the receiving participant's net debit balance to exceed its Net Debit Monitoring Level (''NDML'').[7]

Securities deliveries for which the receipt was not preauthorized were posted to the await match list associated with the receiving account, were recorded in an abeyance account, and were credited to the receiving account or associated transfer account only after the receiving participant approved the transfer. The delivering participant had no means of ascertaining whether the transfer account of the receiving participant or whether the securities remained recorded in the abeyance account and placed on the await match list associated with the account of the receiving participant. Recording the securities delivery in the abeyance account was not deemed to effect any transfer of the securities or create or extinguish any interest in the securities held by PTC prior to such recording.[8] Any securities remaining on the await match list that were not approved or rejected prior to the close of the daily processing were deemed approved by the receiving participant.

Under PTC's modified processing system, debits and credits will be made simultaneously to the accounts of delivering and receiving participants irrespective of the receipt mode chosen by the receiver. As was possible with PTC's previous processing system, there will no longer be a situation where the delivering participant receives a cash credit before the receiving participant has received a cash debit. Securities credits and cash debits in the case of an account transfer versus payment will be posted to the account or associated transfer account of the receiving participant regardless of the receipt mode applied to the account.[9] Similarly, the delivering participant's account or associated transfer account also will be posted with the appropriate entries for securities debits and cash credits when the delivery has satisfied all conditions necessary to complete the transfer.[10]

The proposed amendments to PTC's rules delete references throughout the rules to the abeyance account and to the use of a receipt mode as a condition to completion of an account transfer. PTC also will make corresponding changes to its Participant Operating Guide that are consistent with the systems changes of SPEED Release 5.6 and the proposed rule amendments.

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[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 36377 (October 16, 1995), 60 FR 54741.

[3] Securities Exchange Act Release No. 26671 (March 28, 1989), 54 FR 13266 (approving PTC's application for registration as a clearing agency under Section 17A of the Act) and letter from the Board of Governors approving PTC's application for stock in the Federal Reserve Bank of New York (March 27, 1989).

[4] SPEED Release 5.6 is the latest upgrade in PTC's transaction processing system.

[5] PTC Rules, Article II, Rule 13, Section 1(b), generally requires sufficient securities and Net Free Equity (''NFE'') with respect to the account of the delivering participant. NFE measures the value of the collateral which is available to secure liquidity for the transaction. PTC Rules, Article II, Rule 9. PTC will not process an account transfer if, as a result of such transfer, the required NFE is not available in the account at the time delivery is attempted.

[6] A participant could choose one of the following receipt modes for receiving securities to its account or its associated transfer account in an account transfer versus payment transaction: Auto Buy-In Mode, authorizing the receipt of all transactions; Auto-Match Mode, authorizing the receipt of all previously designated transactions either listed with specificity or by designating specified dollar tolerances; or Manual Match Mode, in which no transactions were preauthorized.

[7] PTC will not process transactions that increase a participant's net debit balance to a level greater than its NDML. When the NDML is reached or exceeded, PTC is entitled to require either confirmation of the participant's ability to pay its debit balance or prefunding of such debit balance. *PTC Rules, Article II, Rule 2, Section 4.*

[8] PTC Rules, Article II, Rule 3, Section 1 and Rule 13, Sections 1(c)(i)(B) and 1(c)(ii)(B).

[9] Despite the change in the sequence of transaction processing, transfers versus payment still must satisfy PTC's normal risk management controls in order to complete the transfers (*i.e.*, the receiving participant's account must have sufficient NFE and the receiving participant's NDML must not be exceeded).

[10] *I.e.*, when the delivering account has sufficient available securities and sufficient NFE; in the case of an account transfer versus payment transaction when the receiving account has sufficient NFE and the receiving participant's NDML will not be exceeded; or in the case of account transfer or securities to a pledgee account by use of PTC's Collateral Loan Facility when the receipt is approved by the receiving participant. The requirement that a receiving participant must approve a transfer of securities to a pledgee account formally was specified in PTC's Participant Operating Guide description of the Collateral Loan Facility but not in PTC's rules. As a result of the proposed rule change, this requirement now will be specified in PTC's rules.

II. Discussion

Section 17A(b)(3)(F) of the Act [11] requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to provide for the safeguarding of securities and funds in its custody or control or for which it is responsible. The Commission believes that PTC's proposal is consistent with these obligations because the modifications to PTC's processing system should help decrease the potential for liquidity problems for delivering participants at the end of the day which existed under the former processing system.

Since 1989, PTC has considered various proposals to address the concerns behind Commitment No. 3.[12] The Commission believes that the modifications to PTC's processing system in the proposed rule change satisfies Commitment No. 3 by deleting the abeyance account, amending the receipt mode provisions, and providing for simultaneous credit and debit of an account transfer to both the receiving and delivering participant or limited purpose participant. These changes will eliminate the situation where a delivering participant's securities account has been debited and cash account credited when the receiving participant's securities account has not been credited and cash account debited.

A main policy consideration leading to Commitment No. 3 was the concern that in the case of an uncompleted account transfer versus payment the unexpected return to the delivering participant of the securities in the receiving participant's abeyance account and the corresponding elimination of the credit to the cash balance of the delivering participant could place liquidity pressures on the delivering participant. Such liquidity pressure could occur at the end of the processing day just prior to settlement when there is little time for a participant to fund an unanticipated debit. The Commission believes the modifications to PTC's processing system should help to decrease the potential for such liquidity pressure.

In addition, because unmatched deliveries of account transfers versus payment transactions no longer will generate a credit to the cash balance of the delivering participant without the corresponding debit to the cash balance of the receiving participant, it was anticipated that the implementation of SPEED Release 5.6 could result in increased incidences of failed deliveries due to NDML and NFE violations. In anticipation of the implementation of SPEED Release 5.6, PTC has monitored potential credit fails by monitoring participants' NFE and NDML usage periodically throughout the processing day using the hypothetical immediate posting of both matched and unmatched transactions to the receiving participant's account. Under the monitoring program, potential NDML violations have been minimal, but potential NFE violations have been noted.

PTC advised participants of the hypothetical NFE and NDML violations and of the amount of the hypothetical credit deficiency so that participants could monitor their transactions and adjust their businesses in order to comply with the new processing sequence when it became operational on January 8, 1996. The Commission believes that PTC's extensive work with its participants should help to ensure a smooth transition to the new transaction processing sequence and should help to minimize NFE and NDML violations.[13] Furthermore, consistent with PTC's obligations to safeguard securities or funds in its custody, control, or for which it is responsible, PTC has thoroughly tested SPEED Release 5.6 including performing several full participant tests and has made several changes as a result of these and other quality assurance testing procedures to ensure that SPEED Release 5.6 operates properly upon implementation.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act, in particular with Section 17A of the Act, and with the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (File No. SR–PTC–95–06) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

*Deputy Secretary.*

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[11] 15 U.S.C. § 78q–1(b)(3)(F) (1988).

[12] *Supra* note 3 and accompanying text.

[13] The Commission recently approved a proposed rule change establishing the opening of security processing activity at PTC at 8:30 a.m. instead of the previous time of 7 a.m. This change was to conform the opening of PTC's security processing to the opening time of the Federal Reserve System's fedwire. This will eliminate the hour and a half window during which time transactions failing PTC's credit checks cannot be processed because of participants' inability to move funds to PTC until the 8:30 fedwire opening. Securities Exchange Act Release No. 36677 (January 3, 1996), [SR–PTC–95–08] (order granting accelerated permanent approval of proposed rule change).

[14] 15 U.S.C. § 78s(b)(2) (1988).

[15] 17 CFR 200.30–3(a)(12).

**[Investment Company Act Rel. No. 21673; International Series Release No. 916; 812–9598]**

## The Chase Manhattan Bank, N.A.; Notice of Application

January 16, 1996.

**AGENCY:** Securities and Exchange Commission (the ''SEC'').

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

**APPLICANT:** The Chase Manhattan Bank, N.A. (''Chase'').

**RELEVANT ACT SECTIONS:** Order requested under section 6(c) of the Act from section 26(a)(2)(D) of the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit Chase, as trustee for certain unit investment trusts (''UITs''), to deposit trust assets in the custody of the Euroclear System (''Euroclear'') and Cedel Bank S.A. (''Cedel'').

**FILING DATE:** The application was filed on May 10, 1995 and amended on November 6, 1995 and December 7, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 12, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reasons for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 1 Chase Manhattan Plaza, New York, New York 10081.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Mann, Senior Counsel, at (202) 942–0582 (Office of Regulatory Policy, Division of Investment Management), or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the

application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Chase, a national banking association, is a wholly-owned subsidiary of The Chase Manhattan Corporation (''CMC''), a Delaware corporation. Through its Global Securities Services division, Chase provides custody and related services to global institutional investors, and currently has over $1.3 trillion in assets under custody worldwide. Chase serves as trustee for a number of UITs.[1]

2. On September 2, 1995, Chase succeeded to certain of the trust and custodial functions of United States Trust Company of New York (''U.S. Trust''). Chase's succession to these functions resulted from the merger of U.S. Trust into Chase, immediately following the merger of U.S. Trust's parent, U.S. Trust Corporation, into CMC. Following the merger, Chase succeeded to the responsibilities of trustee under the various trust indentures executed by sponsors of UITs for which U.S. Trust acted as trustee. Under these indentures, and as required by the Act, Chase also assumed responsibility for the custody of the securities held in these UITs.

3. On October 7, 1992, the SEC issued an exemptive order permitting U.S. Trust to maintain UIT assets in the custody of Euroclear and Cedel (the ''U.S. Trust Order'').[2] Chase now seeks to ensure that: (a) The UITs to which Chase has succeeded as trustee as a result of the merger may continue to maintain assets with Euroclear and Cedel;[3] and (2) Chase's other UIT customers[4] may benefit from the same exemption, under substantially the same terms and conditions as are set forth in the U.S. Trust Order.

4. Euroclear was organized by Morgan Guaranty in 1968, principally to provide a simple, economic, and automated means of settling secondary market transactions in internationally-traded securities, regardless of the geographical location of the parties to the transaction. Morgan Guaranty, which is subject to regulation by the State of New York and U.S. federal banking authorities, has operated Euroclear since its inception. In Belgium, Euroclear is subject to supervision by the Belgian Banking Commission. One of the main services of Euroclear is to hold securities in custody for participants and thus eliminate the need for physical movement of securities. Securities deposited by participants in Euroclear are held in segregated accounts in the name of the Brussels branch of Morgan Guaranty (as the operator of Euroclear) by various local financial institutions throughout the world, including branch offices of Morgan Guaranty and other major banks, as well as certain central banks and national clearing systems.

5. Centrale de Livraison de Valeurs Mobilières S.A (''CEDEL S.A.'') was formed in 1970 to provide a simple, economic, and automated means of settling primary and secondary transactions in international securities. On January 1, 1995, CEDEL S.A. became a fully licensed Luxembourg bank and changed its name to Cedel Bank S.A. Cedel is headquartered in Luxembourg and has representative offices in London, Tokyo, New York, and Hong Kong. Cedel operates under the supervision of the Luxembourg Monetary Authority, the bank regulatory authority in Luxembourg. Like Euroclear, Cedel provides custody services for its participants' securities through a network of local financial institutions.

Applicant's Legal Analysis

1. Under sections 2(a)(5) and 26(a)(1) of the Act, the trustee of a unit investment trust must be a bank that is subject to regulation by the U.S. government or one of the states. Section 26(a)(2)(D) requires that the trust indenture provide that the trustee ''shall have possession of all securities and other property in which the funds of the trust are invested * * * and shall segregate and hold the same in trust * * * until distribution thereof to the security holders of the trust.'' Under these sections, the only foreign entity that qualifies as a unit investment trust custodian is an overseas branch of a U.S. bank.[5]

2. Section 6(c) provides that the SEC may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Chase requests an order pursuant to section 6(c) of the Act exempting (i) Chase, (ii) any UIT registered pursuant to the Act for which Chase serves, or may in the future serve, as trustee, (iii) any co-trustee or subcustodian thereof, and (iv) any sponsor of such UIT, from the provisions of section 26(a)(2)(D) to the extent necessary to permit Chase to maintain securities and other assets of such UITs in the custody of Euroclear and Cedel, in the manner and subject to the conditions described below.

4. No SEC rule presently addresses the custody of the foreign assets of a UIT. Rule 17f–5, however, permits an investment company that is a management company to hold its foreign securities in certain specified foreign entities, including foreign security depositories or clearing agencies such as Euroclear or Cedel, subject to certain provisions designed to safeguard assets held overseas. Since UITs are not management companies, however, they may not rely on rule 17f–5.

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[1] Chase currently serves as trustees to UITs sponsored by the following:
American Municipal Securities
B.C. Ziegler & Co.
BEA Associates
Bear Stearns & Co., Inc.
Concord Financial Group, Inc.
Craige Inc.
Dean Witter Reynolds
Fidelity Capital Markets
First Charlotte Corp.
First of Michigan
Herbert J. Sims
Manley Bennett McDonald & Co.
Merrill Lynch, Pierce, Fenner & Smith, Inc.
Nike Securities L.P.
John Nuveen & Co.
Oppenheimer Capital
Oppenheimer Manag. Corp.
Paine Webber
Prescott Ball & Turben Inc.
Prudential Securities Inc.
Raffensberger, Hughes & Co.
Rickel & Associates
Rotan, Mosle
Salomon Bros. Inc.
Smith Barney
Sterne Ages Leach
The Ohio Company
Tucker Anthony
Underwood Neuhaus & Co., Inc.

[2] United States Trust Company of New York, Investment Company Act Release Nos. 18946 (notice) (Sept. 11, 1992) and 19006 (order) (Oct. 7, 1992).

[3] To insure that the UITs to which Chase was to succeed as trustee could continue without interruption to maintain assets with Euroclear and Cedel after the merger and pending SEC action on the application, Chase sought and obtained interim no-action relief from the SEC staff. In The Chase Manhattan Bank, N.A., (pub. avail. July 25, 1995), the staff authorized Chase to continue to maintain these assets with Euroclear and CEDEL until the earlier of the date on which the SEC takes final action on this application or July 25, 1996.

[4] The assets of UITs sponsored by Merrill Lynch may already be held in the custody of Euroclear and Cedel pursuant to an exemptive order issued to Merrill Lynch. Merrill Lynch, Pierce, Fenner & Smith Incorporated, Investment Company Act Release Nos. 15739 (notice) (May 14, 1987) and 15813 (June 16, 1987).

[5] See Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 21259 (July 27, 1995).

5. Chase proposes to provide foreign custody services to UITs through the facilities of Euroclear and Cedel (the ''Transnational Depositories'') pursuant to arrangements that will mirror the requirements applicable to registered management investment companies under rule 17f–5, with the specific modifications set forth below.

6. A significant difference between the operation of a management investment company and a UIT is that the former is governed by a board of directors, while the latter is not. Rule 17f–5 imposes certain responsibilities on the board with respect to foreign custody arrangements. Accordingly, Chase will utilize the services of the Transnational Depositories to hold the assets of UITs for which Chase acts as trustee only where the duties assigned by rule 17f–5 (as now in effect or as it may be amended in the future) to the board of directors of management companies are performed in the manner set forth below.

7. Prior to placing or holding foreign securities of a UIT in a Transnational Depository, Chase will:

(a) Make such determinations with respect to (i) the particular country or countries in which the UIT's assets will be held, and (ii) the Transnational Depository in which the UIT's assets will be held;

(b) Enter into such written contract to govern the manner in which the Transnational Depository will maintain the UIT's assets; and

(c) Establish such system to monitor the foreign custody arrangements to ensure compliance with the proposed provisions of the order requested herein; as rule 17f–5, as now in effect or as it may be amended in the future, requires of the board of a management investment company before it may place the assets of such company in the custody of a foreign custodian. Chase will memorialize in writing its determinations referred to in (a) above, and the reasons therefor. Chase will exercise reasonable care in the performance of the above-mentioned duties.

8. The trust indenture will contain a provision under which Chase agrees to indemnify any UIT relying on the relief requested herein against any loss that occurs as the result of a Transnational Depository's willful misfeasance, reckless disregard, bad faith, or gross negligence in performing its custodial duties.

9. Applicants believe that the requested order satisfies the section 6(c) standard. The requested exemptive order is necessary and appropriate in the public interest to permit UITs for which Chase serves as trustee to have access to the custody services of the Transnational Depositories. Absent an exemptive order, Chase will be unable to offer these services to such UITs. Chase believes that encouraging the growth of responsible book-entry systems for the clearance, settlement, and safeguarding of securities is in the public interest. In addition, Chase believes that requiring unitholders to bear the substantial additional expense of holding UIT securities outside of the Transnational Depositories would be contrary to the best interests of unitholders and to the public policy positions cited above. Chase, moreover, believes that securities deposited in the Transnational Depositories are at least as effectively protected as the same securities would be if directly deposited with a foreign branch of a U.S. bank, or shipped to the U.S. for custody.

Applicant's Conditions

Applicant agrees that the order granting the requested relief shall be subject to the following conditions:

1. The trust indenture will contain provisions under which Chase agrees to indemnify any UIT relying on the relief requested herein against any loss occurring as a result of a Transnational Depository's willful misfeasance, reckless disregard, bad faith, or gross negligence in performing custodial duties.

2. The trust indenture will contain provisions under which Chase agrees to perform all the duties assigned by rule 17f–5, as now in effect or as it may be amended in the future, to the boards of directors of management investment companies. Chase's duties under this condition will not be delegated.

3. The prospectus of any UIT relying on the relief requested herein will contain such disclosure regarding foreign securities and foreign custody as is required for management investment companies by Forms N–1A and N–2.

4. Chase will maintain and keep current written records regarding the basis for the choice or continued use of a particular Transnational Depository. These records will be preserved for a period of not less than six years from the end of the fiscal year in which the UIT was terminated, the first two years in an easily accessible place. Such records will be available for inspection at Chase's main offices during Chase's usual business hours, by unitholders and by the SEC or its staff.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–840 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

**[Investment Company Act Release No. 21676; International Series Release No. 917; 812–9872]**

## Credit Suisse; Notice of Application

January 16, 1996.

**AGENCY:** Securities and Exchange Commission (''SEC'').

**ACTION:** Notice of Application for Exemption Under the Investment Company Act of 1940 (the ''Act'').

**APPLICANT:** Credit Suisse.

**REVELANT ACT SECTIONS:** Order under section 6(c) of the Act for an exemption from section 17(f) of the Act.

**SUMMARY OF APPLICATION:** Credit Suisse requests an order that would permit United States registered investment companies other than investment companies registered under section 7(d) (a ''U.S. Investment Company''), for which Credit Suisse serves as custodian or subcustodian, to maintain foreign securities and other assets in Russia with Credit Suisse (Moscow) Ltd. (''Credit Suisse (Moscow)''), a wholly-owned subsidiary of Credit Suisse.

**FILING DATES:** The application was filed on December 6, 1995 and amended on January 11, 1996.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 12, 1996, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant: Credit Suisse, Paradeplatz 8, CH–8001 Zurich, Switzerland; cc: Daniel L. Goelzer, Esq., Baker & McKenzie, 815 Connecticut Avenue NW., Washington, DC, 20006–4078.

**FOR FURTHER INFORMATION CONTACT:** Marianne H. Khawly, Staff Attorney, at (202) 942–0562, or Robert A. Robertson,

Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Credit Suisse requests an order to permit Credit Suisse, Credit Suisse (Moscow), any U.S. Investment Company, and any custodian for a U.S. Investment Company to maintain foreign securities, cash, and cash equivalents (collectively, ''Assets'') in the custody of Credit Suisse (Moscow). For the purposes of this application, ''foreign securities'' includes: (a) Securities issued and sold primarily outside the United States by a foreign government, a national of any foreign country, or a corporation or other organization incorporated or organized under the laws of any foreign country; and (b) securities issued or guaranteed by the Government of the United States or by any state or any political subdivision thereof or by any agency thereof or by any entity organized under the laws of the United States or by any entity organized under the laws of the United States or of any state thereof which have been issued and sold primarily outside the United States.

2. Credit Suisse is a company organized and existing under the laws of Switzerland. Credit Suisse is regulated in Switzerland by the Swiss Federal Banking Commission and is subject to the Federal Law on Banks and Savings Institutions dated November 8, 1934. Credit Suisse is a 99.9% owned direct subsidiary of CS Holding, a Swiss public company, which, together with Credit Suisse and its other subsidiaries, is one of the leading financial services institutions in the world and currently provides a network of worldwide custody services. In the United States, Credit Suisse has branch banking operations, representative offices, and as a result, is subject to the Bank Holding Company Act of 1956 and the International Banking Act of 1978. At December 31, 1994, Credit Suisse had consolidated shareholders' equity in excess of the equivalent of $10 billion.

3. Credit Suisse (Moscow) was incorporated in Russia in 1993 and operates under General License No. 2494. It is a 98% owned direct subsidiary of Credit Suisse. Credit Suisse (Moscow) is regulated by the Central Bank of the Russian Federation under the Law on Banks and Banking Activity of 1991, as amended in 1992 and 1995.

4. Credit Suisse requests relief to permit Credit Suisse, as custodian or subcustodian for a U.S. Investment Company, when custody services are required in Russia, to deposit, or cause or permit the U.S. Investment Company to deposit, its Assets with Credit Suisse (Moscow) as delegate for Credit Suisse.

Applicant's Legal Analysis

1. Section 17(f) of the Act requires every registered management investment company to place and maintain its securities and similar investments in the custody of certain enumerated entities, including a bank having at all times aggregate capital, surplus, and undivided profits of at least $500,000. A ''bank'', as that term is defined in section 2(a)(5) of the Act, includes: (a) A banking institution organized under the laws of the United States; (b) a member bank of the Federal Reserve System; and (c) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any state or of the United States, a substantial portion of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks, which is supervised or examined by state or federal authority having supervision over banks, and which is not operated for the purposes of evading the Act.

2. The only entities located outside the United States that section 17(f) authorizes to serve as custodians for registered management investment companies are the overseas branches of qualified U.S. banks. Rule 17f–5 expands the group of entities that are permitted to serve as foreign custodians. The rule defines the term ''Eligible Foreign Custodian'' to include a banking institution or trust company, incorporated or organized under the laws of a country other than the United States, that is regulated as such by that country's government or an agency thereof and that has shareholders' equity in excess of $200,000,000 or its equivalent. Credit Suisse is an Eligible Foreign Custodian under the rule.

3. Credit Suisse (Moscow) satisfies the requirements of rule 17f–5, except it does not meet the minimum shareholders' equity requirement. Accordingly, it is not an Eligible Foreign Custodian and, absent exemptive relief, could not serve as a custodian for U.S. Investment Company Assets.[1]

4. Section 6(c) provides, in relevant part, that the SEC may, conditionally or unconditionally, by order, exempt any person or class of persons from any provision of the Act or from any rule thereunder, if such exemption is necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act. Credit Suisse believes that its request satisfies this standard.

Applicant's Conditions

Applicant agrees that any SEC order granting the requested relief shall be subject to the following conditions:

1. The foreign custody arrangements proposed regarding Credit Suisse (Moscow) satisfy the requirements of rule 17f–5 in all respects other than Credit Suisse (Moscow)'s level of shareholder's equity.

2. Credit Suisse, when providing custody services to a U.S. Investment Company, will deposit Assets with Credit Suisse (Moscow) only in accordance with one of the two contractual arrangements described below, which arrangement will remain in effect at all times during which Credit Suisse (Moscow) fails to satisfy the shareholders' equity requirement of rule 17f–5.

a. *The Three-Party Agreement Arrangement.* Under this arrangement, the agreement will be a three-party agreement (the ''Agreement'') among (i) Credit Suisse, (ii) Credit Suisse (Moscow) and (iii) the U.S. Investment Company, or the custodian for a U.S. Investment Company pursuant to which Credit Suisse will undertake to provide specified custody services, and will delegate to Credit Suisse (Moscow) such of the duties and obligations of Credit Suisse as will be necessary to permit Credit Suisse (Moscow) to hold in custody the U.S. Investment Company's Assets. The Agreement further will provide that Credit Suisse will be liable for any loss, damage, cost, expense, liability, or claim arising out of or in connection with the performance by Credit Suisse (Moscow) of its responsibilities under the Agreement to the same extent as if Credit Suisse had itself been required to provide custody services under the Agreement.

[1] Russian clearing and custody procedures differ substantially from the procedures generally employed elsewhere. Other than the requested exemption to permit Credit Suisse (Moscow) to qualify as an ''eligible foreign custodian,'' applicant is not requesting an exemption from section 17(f) or rule 17f–5 for any other aspect of the custody or clearing procedures employed in Russia. Moreover, applicant acknowledges that any SEC order will not constitute a determination by the SEC that the Russian clearing and custody procedures comply with section 17(f) or the rules thereunder.

b. *The Custody Agreement/ Subcustody Agreement Arrangement.* Under this arrangement, Assets will be deposited with Credit Suisse (Moscow) in accordance with the Custody Agreement and Subcustody Agreement described below.

i. The Custody Agreement will be between Credit Suisse and the U.S. Investment Company or any custodian for a U.S. Investment Company. In that agreement, Credit Suisse will undertake to provide specified custody or subcustody services, and the U.S. Investment Company (or its custodian) will authorize Credit Suisse to delegate to Credit Suisse (Moscow) such of Credit Suisse's duties and obligations as will be necessary to permit Credit Suisse (Moscow) to hold in custody the U.S. Investment Company's Assets. The Custody Agreement further will provide that Credit Suisse will be liable for any loss, damage, cost, expense, liability, or claim arising out of or in connection with the performance by Credit Suisse (Moscow) of its responsibilities to the same extent as if Credit Suisse had itself been required to provide custody services under the Custody Agreement.

ii. A Subcustody Agreement will be executed by Credit Suisse and Credit Suisse (Moscow). Pursuant to this agreement, Credit Suisse will delegate to Credit Suisse (Moscow) such of Credit Suisse's duties and obligations as will be necessary to permit Credit Suisse (Moscow) to hold Assets in custody in Russia. The Subcustody Agreement will explicitly provide that (i) Credit Suisse (Moscow) is acting as a foreign custodian for Assets that belong to a U.S. Investment Company pursuant to the terms of an exemptive order issued by the SEC and (ii) the U.S. Investment Company or its custodian (as the case may be) that has entered into a Custody Agreement will be entitled to enforce the terms of the Subcustody Agreement and can seek relief directly against Credit Suisse (Moscow). Further, the Subcustody Agreement will be governed either by the law of the state of New York, the law of Switzerland or the law of England. If it is governed by the law of Switzerland or the law of England, Credit Suisse shall obtain an opinion of counsel in Switzerland or England, as the case may be, opining as to the enforceability of the rights of a third party beneficiary under the laws of that country.

3. Credit Suisse currently satisfies and will continue to satisfy the minimum shareholders' equity requirement set forth in rule 17f–5(c)(2)(i).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 96–839 Filed 1–22–96; 8:45 am]

BILLING CODE 8010–01–M

## SURFACE TRANSPORTATION BOARD [1]

**[Finance Docket No. 32530]**

### Kansas City Southern Railway Company—Construction and Operation Exemption—Geismar Industrial Area Near Gonzales and Sorrento, Louisiana

On October 30, 1995, the Interstate Commerce Commission's Section of Environmental Analysis (SEA) notified all interested parties that SEA will prepare an Environmental Impact Statement (EIS) in this proceeding and conduct a public scoping meeting on November 30, 1995. SEA advised parties that they may submit written comments regarding environmental concerns to the Commission by December 30, 1995.

Several parties have requested that the comment period be extended an additional 30 days. SEA notifies all the parties that the scoping comment period is extended to January 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Michael Dalton at (202) 927–6202 or Elaine Kaiser at (202) 927–6248, Section of Environmental Analysis, Room 3219, Office of Economic and Environmental Analysis, Surface Transportation Board, 12th and Constitution Avenue NW., Washington, DC 20423. TDD for the hearing impaired: (202) 927–5721.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

*Secretary.*

[FR Doc. 96–825 Filed 1–22–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to section 49 U.S.C. 10901. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former section of the statute, unless otherwise indicated.

## DEPARTMENT OF TRANSPORTATION

### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week Ending January 5, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST–96–981
*Date filed:* January 2, 1996
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* January 30, 1996
*Description:* Application of Continental Airlines, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing Continental to provide scheduled foreign air transportation of persons, property and mail between Newark, New Jersey and Manchester, England. Continental also requests the right to combine service at the points on this route segment with service at other points Continental is authorized to serve by certificates or exemptions consistent with applicable international agreements.

*Docket Number:* OST–96–984
*Date filed:* January 3, 1996
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* January 31, 1996
*Description:* Application of Trans World Airlines, Inc., pursuant to 49 U.S.C. Section 41108, and Subpart Q of the Regulations, applies for renewal of its certificate of public convenience and necessity for Route 612, authorizing it to engage in foreign air transportation of persons, property and mail between New York, on the one hand, and Moscow, Russia on the other hand.

*Docket Number:* OST–96–989
*Date filed:* January 5, 1996
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 2, 1996
*Description:* Application of American Airlines, Inc. pursuant to 49 U.S.C. Section 41108, applies for a certificate

of public convenience and necessity authorizing foreign air transportation of persons, property and mail between Chicago, Illinois and Birmingham, England.

Paulette V. Twine,

*Chief, Documentary Services Division.*

[FR Doc. 96–848 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–62–P**

## Aviation Proceedings; Agreements filed during the Week Ending 1/12/96

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

*Docket Number:* OST–96–996
*Date filed:* January 11, 1996
*Parties:* Members of the International Air Transport Association
*Subject:* TC3 Telex Mail Vote 769 r1–9, Introduction of Fares—Hiroshima-Shanghai/Xian; TC23 Telex Mail Vote 770 r-10, Cancellation of Mozambique-TC3 fare increase; TC2 Telex Mail Vote 771 r11–12, Amend Europe-Africa fares; Intended effective date: February 1, 1996.

Paulette V. Twine,

*Chief, Documentary Services Division.*

[FR Doc. 96–847 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–62–P**

## Federal Aviation Administration

## Aviation Rulemaking Advisory Committee; Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss general aviation operations issues.

**DATES:** The meeting will be held on January 30, 1996, at 1:00 p.m.

**ADDRESSES:** The meeting will be held at the FAA Headquarters Building, AFS–1 Conference Room, Room 821, 800 Independence Avenue SW., Washington DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Mr. Louis C. Cusimano, Assistant Executive Director for General Aviation Operations, Flight Standards Service (AFS–800), 800 Independence Avenue SW., Washington, DC 20591. Telephone: (202) 267–8452; FAX: (202) 267–5094.

**SUPPLEMENTARY INFORMATION:** Purusuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App.II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to discuss general aviation operations issues. This meeting will be held on January 30, 1996, at 1:00 p.m., at the FAA Headquarters Building, AFS–1 Conference Room, Room 821, 800 Independence Avenue SW., Washington DC 20591.

The agenda for this meeting will include status reports from the part 103 (Ultratlight Vehicles) Working Group and the IFR Fuel Requirements/ Destination and Alternate Weather Minimums Working Group.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements in advance to present oral statements at the meeting or may present written statements to the committee at any time. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC on January 17, 1996.

Michael L. Henry,

*Acting Assistant Executive Director for General Aviation Operations, Aviation Rulemaking Advisory Committee.*

[FR Doc. 96–852 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–13–M**

## Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Albuquerque International Sunport, Albuquerque, New Mexico

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Albuquerque International Sunport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before February 22, 1996.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Hanson Scott, Director of Aviation, at the following address: Mr. Hanson Scott, Director of Aviation, Albuquerque International Sunport, 2200 Sunport Boulevard, Albuquerque, New Mexico 87119.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, Fort Worth, Texas 76193–0610, (817) 222–5614.

The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Albuquerque International Sunport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 3, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 18, 1996.

The following is a brief overview of the application.

*Level of the proposed PFC:* $3.00
*Proposed charge effective date:* July 1, 1996
*Proposed charge expiration date:* June 30, 2001
*Total estimated PFC revenue:* $49,638,000
*PFC application number:* 96–01–C–00–ABQ

*Brief description of proposed project:*

Projects to Impose and Use PFC's; Reconstruct Runway 8–26.

*Proposed class or classes of air carriers to be exempted from collecting PFC's:* Air carriers filing FAA Form 1800–31, Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, 2601 Meacham Boulevard, Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Albuquerque International Sunport.

Issued in Fort Worth, Texas on January 3, 1996.

Naomi L. Saunders,

*Manager, Airports Division.*

[FR Doc. 96–853 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–13–M**

## Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Easterwood Airport, College Station, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Intent To Rule on Application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Easterwood Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before February 22, 1996.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Harry E. Raisor, Director of Aviation, at the following address: Mr. Harry E. Raisor, Director of Aviation, Texas A&M University, McKenzie Terminal Boulevard #7 College Station, Texas 77845.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Guttery, Federal Aviation Administration, Soputhwest Region, Airports Division, Planning and Programming Staff, ASW–610D, Fort Worth, Texas 76193–0610, (817) 222–5614.

The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Easterwood Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On January 4, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 1, 1996.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: July 1, 1996

Proposed charge expiration date: July 30, 1998

Total estimated PFC revenue: $458,595.00

PFC application number: 96–01–C–00–CLL

Brief description of proposed project(s):

PROJECTS TO IMPOSE AND USE PFC'S

Update Master Plan,
Acquire Passenger Lift Device,
Airfield Safety Improvements,
Acquire Runway Sweeper, and
PFC Administrative Costs

Proposed class or classes of air carriers to be exempted from collecting PFC's:

None

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, 2601 Meacham Blvd., Forth Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Easterwood Airport.

Issued in Fort Worth, Texas on January 4, 1996.

Naomi L. Saunders,

*Manager, Airports Division.*

[FR Doc. 96–854 Filed 1–22–96; 8:45 am]

**BILLING CODE 4910–13–M**

## National Highway Traffic Safety Administration

**[Docket No. 96–01; Notice 1]**

## Notice of Receipt of Petition for Decision That Nonconforming 1991 Volkswagen Golf GT Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1991 Volkswagen Golf GT passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1991 Volkswagen Golf GT that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is February 22, 1996.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St. SW., Washington, DC 20590. (Docket hours are from 9:30 am to 4 pm).

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

**SUPPLEMENTARY INFORMATION:**

Background

Under 49 U.S.C. § 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured

for importation into and sale in the United States, certified under 49 U.S.C. § 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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.

Champagne Imports, Inc. of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1991 Volkswagen Golf GT passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1991 Volkswagen Golf GT that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Volkswagenwerke A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1991 Volkswagen Golf GT to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1991 Volkswagen Golf GT, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1991 Volkswagen Golf GT is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Level Sequence* * * *, 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 108 *Lamps Reflective Devices and Associated Equipment,* 109 *New Pneumatic Tires,* 110 *Tire Selection and Rims,* 111 *Rearview Mirror,* 113 *Hood Latch Systems,* 114 *Theft Protection,* 115 *Vehicle Identification Number,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control Systems,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel Systems Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1991 Volkswagen Golf GT complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) replacement of the speedometer/odometer assembly with a U.S.-model component.

Standard No. 208 *Occupant Crash Protection*: (a) installation of U.S.-model lap belts in the driver's and front passenger's seating positions; (b) installation of U.S.-model automatic shoulder restraints in the driver's and front passenger's seating positions. The petitioner states that the rear outboard designated seating positions are equipped with combination lap and shoulder restraints that release by means of a single push button.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 3014(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. 96–855 Filed 1–22–96; 8:45 am]

BILLING CODE 4910–59–M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Computer Matching Programs

**AGENCY:** Internal Revenue Service, Treasury

**ACTION:** Notice

**SUMMARY:** Pursuant to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of an Internal Revenue Service (IRS) program of computer matches.

**EFFECTIVE DATE:** [Insert date 30 days after publication in the Federal Register].

**ADDRESS:** Comments or inquiries may be mailed to Chief Information Officer, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Dave Williams, Acting Project Manager, IDRS Monitoring Project, Systems Development Projects Management IS:D, Chief Information Officer, Internal Revenue Service, (703) 235-0171.

**SUPPLEMENTARY INFORMATION:**

IRS management is responsible for discouraging the perpetration of irregular or illegal acts and limiting any exposure if an integrity breach occurs. To assist in accomplishing this mission, the Chief Information Officer (CIO) must assure that information systems are designed to detect and deter unauthorized access by IRS employees to taxpayer information.

The Electronic Audit Research Log (EARL) is a system designed to detect unauthorized access to taxpayer records. It does so by identifying IRS employees who have accessed taxpayer records using the Integrated Data Retrieval System (IDRS) in a manner that appears to be inconsistent with standard IRS practice.

One of the five IRS organizational strategies is to ensure public confidence in the integrity of the IRS by a dedication to the highest ethical standards. One of the ways that the CIO

supports this objective is to provide IRS management with information on potential system misuse.

Computer matching is the most feasible method of performing comprehensive analysis of employee, taxpayer, and tax administration data because of the large number of employees (56,000 employees access IDRS), the geographical dispersion of IRS offices and employees (nationwide), and the tremendous volume of computerized data that is available for analysis (100 Million IDRS transactions are generated each month).

This program will be conducted in each Service Center on audit trail and IDRS records generated in that Center. Four years of audit trail records will be available to search.

**NAME OF SOURCE AGENCY:**

Internal Revenue Service

**NAME OF RECIPIENT AGENCY**

Internal Revenue Service

**BEGINNING AND COMPLETION DATES:**

This program of computer matches will commence not earlier than the fortieth day after copies of the Computer Matching Agreement are provided to the Congress and OMB unless comments dictate otherwise. The program of computer matches will conclude at the end of the eighteenth month after the beginning date.

**PURPOSE:**

The purpose of this program of computer matches is to detect unauthorized access to taxpayer records by IRS employees. The system will identify employees who have accessed taxpayer records using the IDRS in a manner that appears to be inconsistent with standard IRS practice.

**AUTHORITY:**

26 U.S.C. 7602, 7801, 7802, 7803; and Reorganization Plan No. 1 of 1952, pursuant to Section 7804(a) of the Internal Revenue Code of 1986. The Computer Security Act of 1987 (PL 100-235). The Federal Managers' Financial Integrity Act (FMFIA) (PL 97-255). Executive Order 12674 of April 12, 1989, entitled, ''Principles of Ethical Conduct for Government Officers and Employees.'' OMB Circular A-130, ''Management of Federal Information Resources,'' dated July 15, 1994. OMB Circular A-123, ''Internal Control Systems,'' dated August 16, 1983.

**CATEGORIES OF INDIVIDUALS COVERED:**

Current employees of the IRS.

**CATEGORIES OF RECORDS COVERED:**

Included in this program of computer matches is information related to computer inquiries and entries to the IDRS [Treasury/IRS 34.018] made by IRS employees: employee identification numbers and employee social security numbers, command codes used, taxpayer identification number accessed, terminal from which access occurred, date and time of access. Information from the Individual Master File (IMF) [Treasury/IRS 24.030], the Business Master File (BMF) [Treasury/IRS 24.046], and the Treasury Integrated Management Information System (TIMIS) [Treasury/DO .002] will be used to obtain employee address and spouse's name.

Information obtained from other files, such as those stated below, that may contain information not uniquely pertaining to the IRS employee(s) but could possibly establish a relationship between the IRS employee(s) and the account(s) accessed, will be used to determine the actions or the effect of actions of employee(s) or to corroborate declarations or statements by employee(s). From IDRS [Treasury/IRS 34.018]: taxpayer identification number and tax period. From IMF [Treasury/IRS 24.030] and BMF [Treasury/IRS 24.046]: taxpayer entity information, including address, current and prior name, and tax account status. From TIMIS [Treasury/DO .002]: employee identifying and locating information, including address, current name and name of spouse.

Date: January 11, 1996

Alex Rodriguez,

*Deputy Assistant Secretary (Administration).*

[FR Doc. 96–778 Filed 1–22–96; 8:45 am]

**BILLING CODE 4830–01–F**

# Sunshine Act Meetings

Federal Register
Vol. 61, No. 15
Tuesday, January 23, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11:00 a.m., Friday, February 2, 1996.

**PLACE:** 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202–418–5100.

Jean A. Webb,
*Secretary of the Commission.*
[FR Doc. 96–1077 Filed 1–19–96; 3:35 pm]
**BILLING CODE 6351–01–M**

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11:00 a.m., Friday, February 9, 1996.

**PLACE:** 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jeam A. Webb, 202–418–5100.

Jean A. Webb,
*Secretary of the Commission.*
[FR Doc. 96–1076 Filed 1–19–96; 3:35 pm]
**BILLING CODE 6351–01–M**

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11:00 a.m., Friday, February 16, 1996.

**PLACE:** 1155 21st St. N.W., Washington, D.C. 9th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202–418–5100.

Jean A. Webb,
*Secretary of the Commission.*
[FR Doc. 96–1075 Filed 1–19–96; 3:35 pm]
**BILLING CODE 6351–01–M**

**COMMODITY FUTURES TRADING COMMISSION**

**TIME AND DATE:** 11:00 a.m., Friday, February 23, 1996.

**PLACE:** 1155 21st St. NW., Washington, DC 9th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Matters.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 202–418–5100.

Jean A. Webb,
*Secretary of the Commission.*
[FR Doc. 96–1074 Filed 1–19–96; 3:35 pm]
**BILLING CODE 6351–01–M**

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. § 552(b)), notice is hereby given of the following meeting of the Board of Directors of the Corporation for National and Community Service:

**DATE AND TIME:** Friday, February 2, 1996, 1:30–4:00 p.m.

**PLACE:** Duke University, Durham, N.C., Terry Sanford Institute of Public Policy, Rhodes Conference Room.

**STATUS:** Open and closed.

**MATTERS TO BE CONSIDERED:**

Agenda

I. Opening Remarks by the Acting Chair.
II. Opening Remarks and Report of the CEO
III. Approval of Minutes from the October 1995 Meeting
IV. Personnel Matters (closed to the public pursuant to exemptions 2 and 6 of the Government in the Sunshine Act)
V. Committee Reports
  A. Executive Committee
  B. Management and Budget
  C. Communications
  D. Planning and Evaluation
VI. Report on Special Projects
  A. Senior Conference
  B. Leadership Summit
  C. D.C. Initiative
  D. Olympics and Paralympics
  E. Martin Luther King, Jr. Day
VII. Leadership Issues Discussion
VIII. Future Board Meetings
  A. Locations
  B. Issues
IX. Public Comment
  Adjournment

**ACCOMMODATIONS:** Those needing interpreters or other accommodations should notify the Corporation by January 29, 1996.

**CERTIFICATION OF PARTIAL CLOSING:** The meeting's partial closing has been certified by the Corporation's General Counsel. A copy of the certification will be posted for public inspection at the Corporation's headquarters, located at 1201 New York Avenue NW, Office of General Counsel, 8th Floor, Washington, D.C. 20525, and will otherwise be available upon request.

**CONTACT PERSON FOR FURTHER INFORMATION:** Rhonda Taylor, Associate Director of Special Projects and Initiatives, Corporation for National Service, 8th Floor, Room 8619, 1201 New York Avenue NW, Washington, D.C. 20525. Phone (202) 606–5000 ext. 282. Fax (202) 565–2794. TDD: (202) 606–5256.

Dated: January 19, 1996.

Terry Russell,
*General Counsel.*
[FR Doc. 96–1046 Filed 1–19–96; 3:07 pm]
**BILLING CODE 6050–28–P**

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**TIME AND DATE:** 10:00 a.m., Thursday, January 25, 1996.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *Blue Bayou Sand and Gravel, Inc.*, Docket No. CENT 93–238–M. (Issues include whether the judge erred in concluding that the operator's failure to provide service brakes on its haulage truck was not an imminent danger and was not S&S.)

**CONTACT PERSON FOR MORE INFO:** Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: January 18, 1996.

Jean H. Ellen,
*Chief Docket Clerk.*
[FR Doc. 96–976 Filed 1–19–96; 3:06 pm]
**BILLING CODE 6735–01–M**

Federal Register

Tuesday
January 23, 1996

Part II

# Department of Education

**Office of Special Education and Rehabilitative Services**

**Postsecondary Education Programs for Individuals With Disabilities and Regional Centers for Deaf Individuals; Notice**

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services

### Postsecondary Education Programs for Individuals With Disabilities and Regional Centers for Deaf Individuals

**AGENCY:** Department of Education.

**ACTION:** Notice of Intent to Accept Applications.

**SUMMARY:** This notice is to inform potential applicants that the Department of Education intends to accept applications in fiscal year 1996 for the four regional centers for deaf individuals authorized under section 625 of the Individuals with Disabilities Education Act.

**SUPPLEMENTARY INFORMATION:** Section 625(a)(6) of the Individuals with Disabilities Education Act (IDEA) required the Secretary to continue to provide assistance to the current grantees operating the four regional centers for the deaf through September 30, 1995. The Department's bill to reauthorize programs under the IDEA would provide authority to continue to provide assistance to current grantees under this program in fiscal year 1996, and the Congress is currently working on reauthorization legislation for the IDEA. However, since current law does not provide authority for continuation of current grantees, and it is unclear what specific provisions may be included in the reauthorization legislation, the Department must proceed with plans to conduct a competition for fiscal year 1996 funds for this activity. The Department plans to publish a notice of proposed priority governing the competition subsequent to this notice.

**FOR FURTHER INFORMATION CONTACT:** Ramon Rodriguez, U.S. Department of Education, 600 Independence Avenue, SW., Room 3125, Switzer Building, Washington, DC 20202. Telephone: (202) 205–8555. Fax: (202) 205–9252. Internet: Ramon—Rodriguez@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9156.

Authority: 20 U.S.C. 1424a.

Dated: January 18, 1996.

Judith E. Heumann,

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 96–822 Filed 1–22–96; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Tuesday
January 23, 1996

## Part III

# Department of Housing and Urban Development

**Office of the Secretary**

**24 CFR Part 92**

**HOME Investment Partnerships Program; Interim Rule**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

### 24 CFR Part 92

**[Docket No. FR–3836–I–02]**

**RIN 2501–AB94**

## HOME Investment Partnerships Program

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the existing interim rule for the HOME Investment Partnerships Program by implementing a change in the operation of the HOME formula to maximize the number of units of general local government which receive an initial allocation of HOME funds.

**EFFECTIVE DATE:** February 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Kolesar, Director, Program Policy Division, Office of Affordable Housing Programs, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–2470, TDD (202) 708–2565. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

I. Paperwork Reduction Act Statement

The information collection requirements for the HOME Program have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2501–0013. This interim rule does not contain additional information requirements. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

II. Background

On July 12, 1995 (60 FR 36012), the Department published a proposed rule to make a change in the operation of the HOME formula. It was proposed that Section 92.50(d)(3) would be revised to maximize the number of units of general local government which receive an initial allocation of HOME funds.

Formerly, units of general local government, after an initial distribution of funds available for allocation, were eliminated at $250,000 and below from the pool of eligible jurisdictions and their allocations were redistributed among other units of general local government. This redistribution technique continued until 95% of the funds had been distributed among units of general local government that received $500,000 or more. The new method would drop only one jurisdiction on each recalculation, and redistribute funds to all others, thus assuring that the maximum number of units of general local government receive an allocation.

The Department received 9 comments on this section of the proposed rule.

On the formula redistribution technique to maximize the number of participating jurisdictions, seven commenters favored the change while two did not. One of the two commenters felt that additional performance criteria should be added to the formula calculations rewarding good performance.

The Department agrees with the majority of comments received that maximizing the number of participating jurisdictions which receive the minimum allocation is a positive change. With respect to the comment suggesting additional performance criteria, adding such criteria without further public comment would not be appropriate. Therefore, the Department is revising the formula technique as proposed in the July 12, 1995 rule. This rule is being published as an interim rule and not as a final rule because the HOME program regulation at 24 CFR part 92 has not yet been issued as a final rule.

III. Findings and Certifications

*Environmental Review*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

*Regulatory Planning and Review*

This interim rule has been reviewed in accordance with Executive Order 12866, issued by the President on September 30, 1993 (58 FR 51735, October 4, 1993). Any changes to the rule resulting from this review are available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk.

*Impact on Small Entities*

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the undersigned hereby certifies that this interim rule does not have a significant economic impact on a substantial number of small entities, because jurisdictions that are statutorily eligible to receive formula allocations are relatively larger cities, counties or States.

*Federalism Impact*

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, that this interim rule does not have federalism implications concerning the division of local, State, and federal responsibilities. While the HOME Program interim rule amended by this interim rule was determined to be a rule with federalism implications and the Department submitted a Federalism Assessment concerning the interim rule to OMB, this rule would only make a limited adjustment to the interim rule and does not significantly affect any of the factors considered in the Federalism Assessment for the interim rule.

*Impact on the Family*

The General Counsel, as the designated official under Executive Order 12606, *The Family*, has determined that this interim rule would have an indirect, though beneficial, impact on family formation, maintenance, and general well-being. As such, it is not subject to further review under the Order.

The Catalog of Federal Domestic Assistance Number for the HOME Program is 14.239.

List of Subjects in 24 CFR Part 92

Administrative practice and procedure, Grant programs—housing and community development, Grant programs—Indians, Indians, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, the Department amends part 92 of title 24 of the Code of Federal Regulations as follows:

## PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

1. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12701–12839.

2. In § 92.50, paragraph (d)(3) is revised to read as follows:

**§ 92.50 Formula allocation.**

* * * * *

(d) * * *

(3) To determine the maximum number of units of general local government that receive a formula

allocation, only one jurisdiction (the unit of general local government with the smallest allocation of HOME funds) is dropped from the pool of eligible jurisdictions on each successive recalculation. Then the amount of funds available for units of general local government is redistributed to all others. This recalculation/redistribution continues until all remaining units of general local government receive an allocation of $500,000 or more.

* * * * *

Dated: December 7, 1995.

Henry G. Cisneros,

*Secretary.*

[FR Doc. 96–832 Filed 1–22–96; 8:45 am]

**BILLING CODE 4210–32–P**

# Reader Aids

Federal Register

Vol. 61, No. 15

Tuesday, January 23, 1996

## CUSTOMER SERVICE AND INFORMATION

**Federal Register/Code of Federal Regulations**

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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.

## Rules Going Into Effect Today

**AGRICULTURE DEPARTMENT**
**Forest Service**
Land and Water Conservation Fund Act:

Occupancy and use of developed sites and areas of concentrated public use; admission fee charges; expanded locations; published 1-23-96

**COMMODITY FUTURES TRADING COMMISSION**

Organization, functions, and authority delegations:

Director, Enforcement Division, et al.; published 1-23-96

**CONSUMER PRODUCT SAFETY COMMISSION**

Organization, functions, and authority delegations:

Directorate for Engineering Sciences et al.; published 1-23-96

**ENVIRONMENTAL PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States:

California; published 1-23-96

Ohio; published 1-23-96

**HEALTH AND HUMAN SERVICES DEPARTMENT**

**Food and Drug Administration**

Food additives:

Adjuvants, production aids, and sanitizers--

Tri[2(or 4)-C9-10-branched alkylphenyl] phosphorothioate; published 1-23-96

**TRANSPORTATION DEPARTMENT**

**Federal Aviation Administration**

Airworthiness directives:

SAAB; published 1-8-96

**TREASURY DEPARTMENT**

**Community Development Financial Institutions Fund**

Community development financial institutions and bank enterprise award programs; published 1-23-96

## Comments Due Next Week

**AGRICULTURE DEPARTMENT**

**Agricultural Marketing Service**

Marketing of various agricultural commodities; U.S. grade standards and other selected regulations; removal from CFR; Federal regulatory reform; comments due by 2-2-96; published 12-4-95

**AGRICULTURE DEPARTMENT**

**Grain Inspection, Packers and Stockyards Administration**

Fees:

Official inspection and weighing services; comments due by 1-29-96; published 11-30-95

**AGRICULTURE DEPARTMENT**

**Rural Utilities Service**

Telecommunications standards and specifications:

Aerial service wires specification; comments due by 1-29-96; published 12-29-95

**COMMERCE DEPARTMENT**

**National Oceanic and Atmospheric Administration**

Space systems; private remote-sensing licensing; comment request; comments due by 2-2-96; published 12-4-95

**DEFENSE DEPARTMENT**

Acquisition regulations:

Miscellaneous amendments; comments due by 1-29-96; published 11-30-95

Federal Acquisition Regulation (FAR):

Employee stock ownership plans; comment period extension; comments due by 1-31-96; published 1-3-96

**DEFENSE DEPARTMENT**

**Engineers Corps**

Navigaton regulations:

St. Marys Falls Canal and Locks; comments due by 2-1-96; published 1-2-96

**ENVIRONMENTAL PROTECTION AGENCY**

Air pollution control; new motor vehicles and engines:

Deterioration factors for alternative fuel vehicles, determination requirements; inherently low-emission vehicles; labeling requirements amendments; comments due by 2-2-96; published 1-3-96

Small-volume manufacturers certification of clean-fuel and conventional vehicle conversions; sales volume limit provisions; comments due by 2-2-96; published 1-3-96

Superfund program:

Toxic chemical release reporting; community-right-to-know--

2,2-Dibromo-3-nitrilopropionamide; correction; comments due by 1-29-96; published 12-15-95

**FEDERAL COMMUNICATIONS COMMISSION**

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Television broadcasting:

Closed captioning and video description of video programming; availability, cost, and uses; comments due by 1-29-96; published 12-18-95

**FEDERAL RESERVE SYSTEM**

Truth in lending (Regulation Z):

Official staff commentary; revision; comments due by 2-2-96; published 12-7-95

Truth in Savings (Regulation DD):

Official staff commentary; revision; comments due by 2-2-96; published 12-6-95

**FEDERAL TRADE COMMISSION**

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**GENERAL SERVICES ADMINISTRATION**

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**Food and Drug Administration**

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